

0400-12-01-.03 NOTIFICATION REQUIREMENTS AND STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTES.

(1) General [40 CFR 262 Subpart A]

(a) Purpose, Scope, and Applicability [40 CFR 262.10 and 262.70]

1. These regulations establish standards for generators of hazardous waste in Tennessee.
2. Rule 0400-12-01-.02(1)(e)3 and 4 must be used to determine the applicability of provisions of this rule that are dependent on calculations of the quantity of hazardous waste generated per month.
3. A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following portions of this rule with respect to that waste: subparagraph (b) of this paragraph for determining whether or not he has a hazardous waste, paragraph (2) for notifying and subparagraph (c) of this paragraph for obtaining an installation identification number, subparagraph (4)(e) for accumulation of hazardous waste, parts (5)(a)3 and 4 for recordkeeping, subparagraph (5)(b) for annual reporting, and subparagraph (5)(e) for additional reporting; and if applicable, Rule 0400-12-01-.02(1)(d)2(ii)(II) for farmers.

(Note: A generator who treats, stores, or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in Rules 0400-12-01-.05, .06, .07, .09 and .10.)

4. Any person who exports or imports wastes that are considered hazardous under U.S. national procedures to or from the countries listed in subparagraph (7)(i) of this rule for recovery must comply with paragraph (9) of this rule. A waste is considered hazardous under U.S. national procedures if the waste meets the definition of hazardous waste in subparagraph (1)(c) of Rule 0400-12-01-.02 and is subject to either the manifesting requirements at paragraph (3) of this rule, the universal waste management standards of Rule 0400-12-01-.12, or the export requirements in the spent lead-acid battery management standards of part (7)(a)1 of Rule 0400-12-01-.09.
5. Any person who imports hazardous waste into the state from a foreign country must comply with the standards applicable to generators established in this rule.
6. A farmer who generates waste pesticides which are hazardous wastes and who complies with all of the requirements of Rule 0400-12-01-.02(1)(d)2(ii)(II) is not required to comply with other standards in this rule or Rules 0400-12-01-.05, .06, .07 or .10 with respect to such pesticides.
7. A person who generates a hazardous waste as defined by Rule 0400-12-01-.02 is subject to the compliance requirements and penalties prescribed in T.C.A. §§ 68-212-111 through 68-212-115 of the Act if he does not comply with the requirements of this rule.
8. An owner or operator who initiates a shipment of hazardous waste from a treatment, storage, or disposal facility must comply with the generator standards established in this rule.

(Note: The provisions of subparagraph (4)(e) are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of

(Rule 0400-12-01-.03, continued)

subparagraph (4)(e) only apply to owners or operators who are shipping hazardous waste which they generated at that facility.)

9. A generator who is a conditionally - exempt small quantity generator as defined in Rule 0400-12-01-.02(1)(e) is subject to the requirements of paragraphs (2) through (6) of this rule only to the extent set forth in Rule 0400-12-01-.02(1)(e).
10. Persons responding to an explosives or munitions emergency in accordance with Rule 0400-12-01-.05(1)(b)2(vii)(I)IV or (IV) or Rule 0400-12-01-.06(1)(b)2(vii)(I)IV or (IV) and Rule 0400-12-01-.07(1)(b)5(i)(IV) or (iii) are not required to comply with the standards of this rule.
11. The laboratories owned by an eligible academic entity that chooses to be subject to the requirements of paragraph (12) of this rule are not subject to (for purposes of this part, the terms "laboratory" and "eligible academic entity" shall have the meaning as defined in paragraph (12) of this rule):
 - (i) The requirements of subparagraph (b) of this paragraph and part (4)(e)5 of this rule, for large quantity generators and small quantity generators, except as provided in paragraph (12) of this rule; and
 - (ii) The conditions of Rule 0400-12-01-.02(1)(e)2, for conditionally exempt small quantity generators, except as provided in paragraph (12) of this rule.

(b) Hazardous Waste Determination [40 CFR 262.11]

A person who generates a solid waste, as defined in Rule 0400-12-01-.02(1)(b), must determine if that waste is a hazardous waste using the following method:

1. He should first determine if the waste is excluded from regulation under Rule 0400-12-01-.02(1)(d).
2. He must then determine if the waste is listed as a hazardous waste in Rule 0400-12-01-.02(4).

(Note: Even if the waste is listed, the generator still has an opportunity under 40 CFR 260.22 to demonstrate to the EPA Regional Administrator that the waste from his particular facility or operation is not a hazardous waste.)

3. For purposes of compliance with Rule 0400-12-01-.10, or if the waste is not listed in Rule 0400-12-01-.02(4), the generator must then determine whether the waste is identified in Rule 0400-12-01-.02(3) by either:
 - (i) Testing the waste according to the methods set forth in Rule 0400-12-01-.02, or according to an equivalent method approved by the Commissioner under Rule 0400-12-01-.01(3)(b); or
 - (ii) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
4. If the waste is determined to be hazardous, the generator must refer to Rules 0400-12-01-.02, .05, .06, .09, .10 and .12 for possible exclusions or restrictions pertaining to management of the specific waste.
5. This subparagraph does not apply to individual wastewaters streams as described in part (2)(a)2 of this rule in cases where the generator makes a

(Rule 0400-12-01-.03, continued)

hazardous waste determination on the conglomerate flow. A proper determination of the conglomerate flow must include both an evaluation of the hazardous waste characteristics of the conglomerate flow as defined in Rule 0400-12-01-.02(3) as well as an evaluation of the facility's wastewater generating processes to confirm the presence or absence of listed hazardous wastewaters as defined in Rule 0400-12-01-.02(4) in the wastewater.

(Comment: This provision does not supercede any applicable exclusion from recordkeeping, notification, or reporting requirements for hazardous waste otherwise specified in this rule.)

(c) Installation Identification Numbers [40 CFR 262.12]

1. A generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an installation identification number from the Commissioner.
2. A generator who has not received an installation identification number may obtain one by notifying the Department pursuant to paragraph (2) of this rule. Upon receipt of the notification, the Department will assign an installation identification number to the generator.
3. A generator must not offer his hazardous waste to transporters who do not have a valid hazardous waste permit from the Department to transport hazardous waste in Tennessee (see Rule 0400-12-01-.04(2)), or to treatment, storage, or disposal facilities that have not received an installation identification number.

(2) Notification

(a) Applicability

1. Each person who generates a hazardous waste as defined in Rule 0400-12-01-.02(1)(c) must notify the Department, describing his wastes and his activities regarding them, according to subparagraphs (b) through (e) of this paragraph, except as parts 2, 3, and 4 of this subparagraph and Rules 0400-12-01-.02(1)(d)1, 2, 4, 5, and 7, (e) and (g) provide otherwise.
2. A person shall not be required to notify with regard to each individual hazardous waste stream generated which is piped along with other wastes to an on-site wastewater treatment facility or piped to a publicly owned treatment works (POTW) for treatment. However, if the conglomerate waste stream delivered by the collection system to the on-site wastewater treatment facility or to the POTW is a hazardous waste as defined in Rule 0400-12-01-.02, then the generator must notify with regard to that waste stream and file an annual report in accordance with subparagraph (5)(b) of this rule.
3. A generator shall not be required to notify with regard to a hazardous waste if he has already notified the Department with regard to that waste under emergency rules promulgated earlier under the Act.
4. A generator shall not be required to notify with regard to those hazardous wastes generated by analytical laboratory operations which are properly (i.e., in accordance with safe disposal procedures and local sewer use ordinances) discharged to the collection sewer system of a publicly-owned treatment works.

(Rule 0400-12-01-.03, continued)

(Comment: This exclusion from notification requirements is not intended to encourage the discharge of hazardous waste to a sewer nor does it exclude the laboratory from having to comply with federal, state, or local pretreatment or sewer use requirements.)

5. Small quantity generators who generate more than 100 kilograms (220 pounds) of hazardous wastes in a calendar month must notify according to this paragraph.

(b) Existing Generators

Except as subparagraph (a) of this paragraph provides otherwise, a person who is a generator of a waste on the effective date of the regulations established under Rule 0400-12-01-.02 which identify that waste as a hazardous waste subject to the requirements of this paragraph, must notify the Department within 90 days of that date. Such notification must be submitted on generator notification forms provided by the Department. The form must be completed according to the instructions accompanying it.

(c) New Generators

Except as subparagraphs (a) and (e) of this paragraph provide otherwise, a person who becomes a generator of a waste after the effective date of regulations established under Rule 0400-12-01-.02 which identify that waste as a hazardous waste subject to the requirements of this paragraph, must notify the Department within 90 days after the date of initial generation. Such notification must be submitted on generator notification forms provided by the Department. The form must be completed according to the instructions accompanying it.

(d) Changes in Generator Data

The generator shall be responsible for maintaining an up-to-date notification file by notifying the Department in writing of significant changes in the information submitted within 30 days after such changes. (The Department shall, upon request, grant up to 60 days additional time in cases where retesting of the waste is deemed necessary.) Such changes shall include, but not be limited to, changes in ownership or operation of the generating facility or operation, or other reported administrative data.

(e) Special Cases

Except as subparagraph (a) of this paragraph provides otherwise:

1. Persons who generate hazardous wastes at more than one location in Tennessee shall file notification for each such generating location.
2. A group of generating installations located at a single site under the ownership or operation of one person may file a single notification.
3. Generators who operate on a job-shop basis shall file notification on their current operations, indicating on the form that they are a job-shop type of operation and generally describing their capabilities and operations and the types of wastes they characteristically produce.

(3) The Manifest [40 CFR 262 Subpart B]

(a) General Requirements [40 CFR 262.20]

(Rule 0400-12-01-.03, continued)

1.
 - (i) A generator who transports, or offers for transport, a hazardous waste for offsite treatment, storage or disposal or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control Number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in Appendix I in subparagraph (13)(a) of this rule.
 - (ii) The revised Manifest form and procedures in subparagraph (2)(a) of Rule 0400-12-01-.01, subparagraph (1)(g) of Rule 0400-12-01-.02, subparagraphs (3)(a), (3)(b), (3)(h), (4)(c), (4)(e), (6)(e), and (7)(a) and Appendix I of subparagraph (13)(a) of this rule, shall become effective September 5, 2006.
 - (iii) Electronic manifest.

In lieu of using the manifest form specified in subpart (i) of this part, a person required to prepare a manifest under subpart (i) of this part may prepare and use an electronic manifest, provided that the person:
 - (I) Complies with the requirements in subparagraph (e) of this paragraph for use of electronic manifests, and
 - (II) Complies with the requirements of 40 CFR 3.10 for the reporting of electronic documents to EPA.
2. A generator must designate on the Manifest one facility which is permitted to handle the waste described on the Manifest.
3. A generator may also designate on the Manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.
4. If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.
5. The requirements of this paragraph do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1000 kg in a calendar month where:
 - (i) The waste is reclaimed under a contractual agreement pursuant to which:
 - (I) The type of waste and frequency of shipments are specified in the agreement;
 - (II) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
 - (ii) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.
6. The requirements of this paragraph and part (4)(c)2 of this rule do not apply to the transport of hazardous wastes on a public or private right-of-way within or

(Rule 0400-12-01-.03, continued)

along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding Rule 0400-12-01-.04(1)(a)1, the generator or transporter must comply with the requirements for transporters set forth in Rule 0400-12-01-.04(4)(a) and (b) in the event of a discharge of hazardous waste on a public or private right-of-way.

(b) Manifest Tracking Numbers, Manifest Printing, and Obtaining Manifests [40 CFR 262.21]

1. The Manifest to be used must be issued by EPA or approved by the EPA Director of the Office of Solid Waste as set forth in 40 CFR 262.21.

(Note: 40 CFR 262.21 provides that:

- (a)
 - (1) A registrant may not print, or have printed, the manifest for use or distribution unless it has received approval from the EPA Director of the Office of Solid Waste to do so under paragraphs (c) and (e) of this section.
 - (2) The approved registrant is responsible for ensuring that the organizations identified in its application are in compliance with the procedures of its approved application and the requirements of this section. The registrant is responsible for assigning manifest tracking numbers to its manifests.
- (b) A registrant must submit an initial application to the EPA Director of the Office of Solid Waste that contains the following information:
 - (1) Name and mailing address of registrant;
 - (2) Name, telephone number and email address of contact person;
 - (3) Brief description of registrant's government or business activity;
 - (4) EPA identification number of the registrant, if applicable;
 - (5) Description of the scope of the operations that the registrant plans to undertake in printing, distributing, and using its manifests, including:
 - (i) A description of the printing operation. The description should include an explanation of whether the registrant intends to print its manifests in-house (i.e., using its own printing establishments) or through a separate (i.e., unaffiliated) printing company. If the registrant intends to use a separate printing company to print the manifest on its behalf, the application must identify this printing company and discuss how the registrant will oversee the company. If this includes the use of intermediaries (e.g., prime and subcontractor relationships), the role of each must be discussed. The application must provide the name and mailing address of each company. It also must provide the name and telephone number of the contact person at each company.
 - (ii) A description of how the registrant will ensure that its organization and unaffiliated companies, if any, comply with the requirements of this section. The application must discuss

(Rule 0400-12-01-.03, continued)

how the registrant will ensure that a unique manifest tracking number will be pre-printed on each manifest. The application must describe the internal control procedures to be followed by the registrant and unaffiliated companies to ensure that numbers are tightly controlled and remain unique. In particular, the application must describe how the registrant will assign manifest tracking numbers to its manifests. If computer systems or other infrastructure will be used to maintain, track, or assign numbers, these should be indicated. The application must also indicate how the printer will pre-print a unique number on each form (e.g., crash or press numbering). The application also must explain the other quality procedures to be followed by each establishment and printing company to ensure that all required print specifications are consistently achieved and that printing violations are identified and corrected at the earliest practicable time.

- (iii) An indication of whether the registrant intends to use the manifests for its own business operations or to distribute the manifests to a separate company or to the general public (e.g., for purchase).
 - (6) A brief description of the qualifications of the company that will print the manifest. The registrant may use readily available information to do so (e.g., corporate brochures, product samples, customer references, documentation of ISO certification), so long as such information pertains to the establishments or company being proposed to print the manifest.
 - (7) Proposed unique three-letter manifest tracking number suffix. If the registrant is approved to print the manifest, the registrant must use this suffix to pre-print a unique manifest tracking number on each manifest.
 - (8) A signed certification by a duly authorized employee of the registrant that the organizations and companies in its application will comply with the procedures of its approved application and the requirements of this Section and that it will notify the EPA Director of the Office of Solid Waste of any duplicated manifest tracking numbers on manifests that have been used or distributed to other parties as soon as this becomes known.
- (c) EPA will review the application submitted under paragraph (b) of this section and either approve it or request additional information or modification before approving it.
 - (d) (1) Upon EPA approval of the application under paragraph (c) of this section, EPA will provide the registrant an electronic file of the manifest, continuation sheet, and manifest instructions and ask the registrant to submit three fully assembled manifests and continuation sheet samples, except as noted in paragraph (d)(3) of this section. The registrant's samples must meet all of the specifications in paragraph (f) of this section and be printed by the company that will print the manifest as identified in the application approved under paragraph (c) of this section.

(Rule 0400-12-01-.03, continued)

- (2) The registrant must submit a description of the manifest samples as follows:
 - (i) Paper type (i.e., manufacturer and grade of the manifest paper);
 - (ii) Paper weight of each copy;
 - (iii) Ink color of the manifest's instructions. If screening of the ink was used, the registrant must indicate the extent of the screening; and
 - (iv) Method of binding the copies.
- (3) The registrant need not submit samples of the continuation sheet if it will print its continuation sheet using the same paper type, paper weight of each copy, ink color of the instructions, and binding method as its manifest form samples.
- (e) EPA will evaluate the forms and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its forms until EPA approves them. An approved registrant must print the manifest and continuation sheet according to its application approved under paragraph (c) of this section and the manifest specifications in paragraph (f) of this section. It also must print the forms according to the paper type, paper weight, ink color of the manifest instructions and binding method of its approved forms.
- (f) Paper manifests and continuation sheets must be printed according to the following specifications:
 - (1) The manifest and continuation sheet must be printed with the exact format and appearance as EPA Forms 8700-22 and 8700-22A, respectively. However, information required to complete the manifest may be pre-printed on the manifest form.
 - (2) A unique manifest tracking number assigned in accordance with a numbering system approved by EPA must be pre-printed in Item 4 of the manifest. The tracking number must consist of a unique three-letter suffix following nine digits.
 - (3) The manifest and continuation sheet must be printed on 8 1/2 x 11-inch white paper, excluding common stubs (e.g., top- or side-bound stubs). The paper must be durable enough to withstand normal use.
 - (4) The manifest and continuation sheet must be printed in black ink that can be legibly photocopied, scanned, and faxed, except that the marginal words indicating copy distribution must be printed with a distinct ink color or with another method (e.g., white text against black background in text box, or, black text against grey background in text box) that clearly distinguishes the copy distribution notations from the other text and data entries on the form.
 - (5) The manifest and continuation sheet must be printed as six-copy forms. Copy-to-copy registration must be exact within 1/32nd of an

(Rule 0400-12-01-.03, continued)

inch. Handwritten and typed impressions on the form must be legible on all six copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

- (6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:
 - (i) Page 1 (top copy): "Designated facility to destination State (if required)".
 - (ii) Page 2: "Designated facility to generator State (if required)".
 - (iii) Page 3: "Designated facility to generator".
 - (iv) Page 4: "Designated facility's copy".
 - (v) Page 5: "Transporter's copy".
 - (vi) Page 6 (bottom copy): "Generator's initial copy".
- (7) The instructions in the appendix to 40 CFR part 262 must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.
 - (i) Manifest Form 8700–22.
 - (A) The "Instructions for Generators" on Copy 6;
 - (B) The "Instructions for International Shipment Block" and "Instructions for Transporters" on Copy 5; and
 - (C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.
 - (ii) Manifest Form 8700–22A.
 - (A) The "Instructions for Generators" on Copy 6;
 - (B) The "Instructions for Transporters" on Copy 5; and
 - (C) The "Instructions for Treatment, Storage, and Disposal Facilities" on Copy 4.
- (g) (1) A generator may use manifests printed by any source so long as the source of the printed form has received approval from EPA to print the manifest under paragraphs (c) and (e) of this section. A registered source may be a:
 - (i) State agency;
 - (ii) Commercial printer;
 - (iii) Hazardous waste generator, transporter or TSDf; or

(Rule 0400-12-01-.03, continued)

- (iv) Hazardous waste broker or other preparer who prepares or arranges shipments of hazardous waste for transportation.
- (2) A generator must determine whether the generator state or the consignment state for a shipment regulates any additional wastes (beyond those regulated Federally) as hazardous wastes under these states' authorized programs. Generators also must determine whether the consignment state or generator state requires the generator to submit any copies of the manifest to these states. In cases where the generator must supply copies to either the generator's state or the consignment state, the generator is responsible for supplying legible photocopies of the manifest to these states.
- (h)
 - (1) If an approved registrant would like to update any of the information provided in its application approved under paragraph (c) of this section (e.g., to update a company phone number or name of contact person), the registrant must revise the application and submit it to the EPA Director of the Office of Solid Waste, along with an indication or explanation of the update, as soon as practicable after the change occurs. The Agency either will approve or deny the revision. If the Agency denies the revision, it will explain the reasons for the denial, and it will contact the registrant and request further modification before approval.
 - (2) If the registrant would like a new tracking number suffix, the registrant must submit a proposed suffix to the EPA Director of the Office of Solid Waste, along with the reason for requesting it. The Agency will either approve the suffix or deny the suffix and provide an explanation why it is not acceptable.
 - (3) If a registrant would like to change the paper type, paper weight, ink color of the manifest instructions, or binding method of its manifest or continuation sheet subsequent to approval under paragraph (e) of this section, then the registrant must submit three samples of the revised form for EPA review and approval. If the approved registrant would like to use a new printer, the registrant must submit three manifest samples printed by the new printer, along with a brief description of the printer's qualifications to print the manifest. EPA will evaluate the manifests and either approve the registrant to print the forms as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its revised forms until EPA approves them.
- (i) If, subsequent to its approval under paragraph (e) of this section, a registrant typesets its manifest or continuation sheet instead of using the electronic file of the forms provided by EPA, it must submit three samples of the manifest or continuation sheet to the registry for approval. EPA will evaluate the manifests or continuation sheets and either approve the registrant to print them as proposed or request additional information or modification to them before approval. EPA will notify the registrant of its decision by mail. The registrant cannot use or distribute its typeset forms until EPA approves them.
- (j) EPA may exempt a registrant from the requirement to submit form samples under paragraph (d) or (h)(3) of this section if the Agency is persuaded that

(Rule 0400-12-01-.03, continued)

a separate review of the registrant's forms would serve little purpose in informing an approval decision (e.g., a registrant certifies that it will print the manifest using the same paper type, paper weight, ink color of the instructions and binding method of the form samples approved for some other registrant). A registrant may request an exemption from EPA by indicating why an exemption is warranted.

- (k) An approved registrant must notify EPA by phone or email as soon as it becomes aware that it has duplicated tracking numbers on any manifests that have been used or distributed to other parties.
- (l) If, subsequent to approval of a registrant under paragraph (e) of this section, EPA becomes aware that the approved paper type, paper weight, ink color of the instructions, or binding method of the registrant's form is unsatisfactory, EPA will contact the registrant and require modifications to the form.
- (m)
 - (1) EPA may suspend and, if necessary, revoke printing privileges if we find that the registrant:
 - (i) Has used or distributed forms that deviate from its approved form samples in regard to paper weight, paper type, ink color of the instructions, or binding method; or
 - (ii) Exhibits a continuing pattern of behavior in using or distributing manifests that contain duplicate Manifest Tracking Numbers.
 - (2) EPA will send a warning letter to the registrant that specifies the date by which it must come into compliance with the requirements. If the registrant does not come in compliance by the specified date, EPA will send a second letter notifying the registrant that EPA has suspended or revoked its printing privileges. An approved registrant must provide information on its printing activities to EPA if requested.)
- (c) Number of Copies [40 CFR 262.22]

The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

- (d) Use of the Manifest [40 CFR 262.23]

1. The generator shall:

- (i) Ensure, before signing the manifest that, in accordance with subparagraph (13)(a) of this rule, under the title Appendix I "Generators", the Transporter Company name (item 6) and the U.S. EPA Identification Number are the same as the transporter company name and the U.S. EPA Identification Number on the Tennessee Hazardous Waste Transporter Permit (copies are permitted) accompanying the motor vehicle transporter; and
- (ii) Sign the manifest certification by hand; and
- (iii) Obtain the handwritten signature of the initial transporter (Transporter 1) and date of acceptance on the manifest; and

(Rule 0400-12-01-.03, continued)

- (iv) Retain one copy, in accordance with part (5)(a)1 of this rule.
- 2. The generator must give the transporter the remaining copies of the manifest.
- 3. For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this subparagraph to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.
- 4. For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this subparagraph to:
 - (i) The next non-rail transporter, if any; or
 - (ii) The designated facility if transported solely by rail; or
 - (iii) The last rail transporter to handle the waste in the United States if exported by rail.
- 5. For shipments of hazardous waste to a designated facility in an authorized State which has not yet obtained authorization to regulate that particular waste as hazardous, the generator must assure that the designated facility agrees to sign and return the manifest to the generator, and that any out-of-state transporter signs and forwards the manifest to the designated facility.
- 6. For rejected shipments of hazardous waste or container residues contained in non-empty containers that are returned to the generator by the designated facility (following the procedures of Rule 0400-12-01-.05(5)(c)6 or Rule 0400-12-01-.06(5)(c)6), the generator must:
 - (i) Sign either:
 - (I) Item 20 of the new manifest if a new manifest is used for the returned shipment; or
 - (II) Item 18c of the original manifest if the original manifest is used for the returned shipment;
 - (ii) Provide the transporter a copy of the manifest;
 - (iii) Within thirty (30) days of delivery of the rejected shipment or container residues contained in non-empty containers, send a copy of the manifest to the designated facility that returned the shipment to the generator; and
 - (iv) Retain at the generator's site a copy of each manifest for at least three years from the date of delivery.

(Note: See Rule 0400-12-01-.04(3)(a)5 and 6 for special provisions for rail or water (bulk shipment) transporters.)

- (e) Use of the electronic manifest [40 CFR 262.24]

(Rule 0400-12-01-.03, continued)

1. Legal equivalence to paper manifests. Electronic manifests that are obtained, completed, and transmitted in accordance with subpart (a)1(iii) of this paragraph, and used in accordance with this subparagraph in lieu of EPA Forms 8700-22 and 8700-22A are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in these regulations to obtain, complete, sign, provide, use, or retain a manifest.
 - (i) Any requirement in these regulations to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of 40 CFR 262.25(a).
 - (ii) Any requirement in these regulations to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the system.
 - (iii) Any requirement in these regulations for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the national e-Manifest system, provided that such copies are readily available for viewing and production if requested by any EPA inspector or the Commissioner.
 - (iv) No generator may be held liable for the inability to produce an electronic manifest for inspection under this subparagraph if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the electronic manifest system for which the generator bears no responsibility.
2. A generator may participate in the electronic manifest system either by accessing the electronic manifest system from its own electronic equipment, or by accessing the electronic manifest system from portable equipment brought to the generator's site by the transporter who accepts the hazardous waste shipment from the generator for off-site transportation.
3. Restriction on use of electronic manifests. A generator may prepare an electronic manifest for the tracking of hazardous waste shipments involving any RCRA hazardous waste only if it is known at the time the manifest is originated that all waste handlers named on the manifest participate in the electronic manifest system.
4. Requirement for one printed copy. To the extent the Hazardous Materials regulation on shipping papers for carriage by public highway requires shippers of hazardous materials to supply a paper document for compliance with 49 CFR 177.817, a generator originating an electronic manifest must also provide the initial transporter with one printed copy of the electronic manifest.
5. Special procedures when electronic manifest is unavailable. If a generator has prepared an electronic manifest for a hazardous waste shipment, but the electronic manifest system becomes unavailable for any reason prior to the time that the initial transporter has signed electronically to acknowledge the receipt of the hazardous waste from the generator, then the generator must obtain and complete a paper manifest and if necessary, a continuation sheet (EPA Forms 8700-22 and 8700-22A) in accordance with the manifest instructions in paragraph (13) of this rule, and use these paper forms from this point forward in accordance with the requirements of subparagraph (d) of this paragraph.

(Rule 0400-12-01-.03, continued)

6. Special procedures for electronic signature methods undergoing tests. If a generator has prepared an electronic manifest for a hazardous waste shipment, and signs this manifest electronically using an electronic signature method which is undergoing pilot or demonstration tests aimed at demonstrating the practicality or legal dependability of the signature method, then the generator shall also sign with an ink signature the generator/offeror certification on the printed copy of the manifest provided under part 4 of this subparagraph.

7. Imposition of user fee. A generator who is a user of the electronic manifest may be assessed a user fee by EPA for the origination of each electronic manifest.

(Note: In accordance with 40 CFR 262.24, EPA shall maintain and update from time-to-time the current schedule of electronic manifest user fees, which shall be determined based on current and projected system costs and level of use of the electronic manifest system. The current schedule of electronic manifest user fees shall be published as an appendix to 40 CFR Part 262.)

- (f) Electronic manifest signatures [40 CFR 262.24]

Electronic signature methods for the e-Manifest system shall:

1. Be a legally valid and enforceable signature under applicable EPA and other Federal requirements pertaining to electronic signatures; and
2. Be a method that is designed and implemented in a manner that EPA considers to be as cost-effective and practical as possible for the users of the manifest.

- (g) (RESERVED) [40 CFR 262.26]

- (h) Waste Minimization Certification [40 CFR 262.27]

A generator who initiates a shipment of hazardous waste must certify to one of the following statements in Item 15 of the Uniform Hazardous Waste Manifest:

1. "I am a large quantity generator. I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;" or
2. "I am a small quantity generator. I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford."

- (4) Pre-transport Requirements [40 CFR 262 Subpart C]

- (a) Packaging [40 CFR 262.30]

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable DOT regulations on packaging under 49 CFR Parts 173, 178, and 179.

- (b) Labeling [40 CFR 262.31]

(Rule 0400-12-01-.03, continued)

Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable DOT regulations on hazardous materials under 49 CFR Part 172.

(c) Marking

1. Before transporting or offering hazardous waste for transportation off-site, a generator must mark each package of hazardous waste in accordance with the applicable DOT regulations on hazardous materials under 49 CFR Part 172.
2. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 119 gallons or less used in such transportation with the following words and information in accordance with the requirements of 49 CFR 172.304:

HAZARDOUS WASTE—Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U. S. Environmental Protection Agency.

Generator's Name and Address _____

Generator's EPA Identification Number _____

Manifest Tracking Number _____

The generator shall add as indicated his name and address and the number assigned to the manifest accompanying this container. The marking required in this subparagraph must be (1) durable, in English, and printed on or affixed to the surface of a package or on a label, tag, or sign; (2) displayed on a background of sharply contrasting color; (3) unobscured by labels or attachments; and (4) located away from any other marking (such as advertising) that could substantially reduce its effectiveness.

(d) Placarding [40 CFR 262.33]

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Transportation regulations for hazardous materials under 49 CFR 172 Subpart F.

(e) Accumulation Time [40 CFR 262.34]

1. For purposes of this subparagraph, except as used in part 5, the term "accumulate" shall refer to both the storage and treatment of hazardous wastes generated on-site. For purposes of part 5 of this subparagraph, the term "accumulate" shall refer only to collecting or gathering together.
2. Except as provided in parts 6, 7 and 8 of this subparagraph, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

(i) The waste is placed:

- (I) In containers and the generator complies with the applicable requirements of Rules 0400-12-01-.05(9), (27), (28), and (29), and/or

(Rule 0400-12-01-.03, continued)

- (II) In tanks and the generator complies with the applicable requirements of Rules 0400-12-01-.05(10), (27), (28), and (29), except part (10)(h)3 and subparagraph (10)(k) of Rule 0400-12-01-.05; and/or
- (III) On drip pads and the generator complies with Rule 0400-12-01-.05(23) and maintains the following records at the facility:
 - I. A description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
 - II. Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or
- (IV) In containment buildings and the generator complies with Rule 0400-12-01-.05(30), has placed its professional engineer certification that the building complies with the design standards specified in Rule 0400-12-01-.05(30)(b) in the facility's operating record no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:
 - I. A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or
 - II. Documentation that the unit is emptied at least once every 90 days.

In addition, such a generator is exempt from all the requirements in paragraphs (7) and (8) of Rule 0400-12-01-.05, except for subparagraphs (b) and (e) of paragraph (7).

- (ii) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - (iii) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste";
 - (iv) The generator complies with the requirements for owners or operators in parts (2)(f)1, 3, and 4, subparagraph (2)(g) and paragraphs (3) and (4) of Rule 0400-12-01-.05 and with all applicable requirements under Rule 0400-12-01-.10; and
 - (v) Where tanks are used, the generator maintains adequate records to verify that accumulation time is less than 90 days.
3. A generator of 1000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kilogram of acute hazardous waste listed in subparagraph (4)(b) or part (4)(d)5 of Rule 0400-12-01-.02 in a calendar month, who accumulates hazardous waste or acute hazardous waste for more than 90

(Rule 0400-12-01-.03, continued)

days is an operator of a storage facility and is subject to the requirements of Rule 0400-12-01-.05 and 0400-12-01-.06 and the permit requirements of Rule 0400-12-01-.07 unless he has been granted an extension to the 90-day period. Such extension may be granted by the Department if hazardous wastes must remain on-site for more than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Commissioner on a case-by-case basis.

4. A generator who removes hazardous waste from a product or new material storage tank, a product or raw material transport vehicle or vessel, a manufacturing process unit or an associated non-waste-treatment manufacturing unit directly into or onto a transport vehicle for immediate transportation to a treatment, storage, or disposal facility shall (for such process) not be considered to be "accumulating" such waste for purposes of this subparagraph.
5.
 - (i) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acute hazardous waste listed in Rule 0400-12-01-.02(4)(b) or (4)(d)5, in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with part 2 of this subparagraph provided he:
 - (I) Complies with Rule 0400-12-01-.05(9)(b), (c), and (d)1; and
 - (II) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
 - (ii) A generator who accumulates either hazardous waste or acute hazardous waste listed in Rule 0400-12-01-.02(4)(b) or (4)(d)5 in excess of the amount established in subpart (i) of this part at or near any point of generation must, with respect to that amount of excess waste, comply within three days with part 2 of this subparagraph or other applicable provisions of this Chapter. During the three day period the generator must continue to comply with items (i)(I) and (II) of this part. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
6. A small quantity generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:
 - (i) The quantity of hazardous waste accumulated on-site never exceeds 6000 kilograms;
 - (ii) The generator complies with the requirements of Rule 0400-12-01-.05(9), except for Rules 0400-12-01-.05(9)(g) and .05(9)(i);
 - (iii) The generator complies with the requirements of Rule 0400-12-01-.05(10)(I);
 - (iv)
 - (I) Where containers are used, the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; or

(Rule 0400-12-01-.03, continued)

- (II) Where tanks are used, the generator maintains adequate records to verify that accumulation time is less than the allowed period;
- (v) While being accumulated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste";
- (vi) The generator complies with the requirements for owners or operators in parts (2)(f)1, 3, and 4, and paragraph (3) of Rule 0400-12-01-.05, and with all applicable requirements under Rule 0400-12-01-.10; and
- (vii) The generator complies with the following requirements:
 - (I) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in item (IV) of this subpart. This employee is the emergency coordinator.
 - (II) The generator must post the following information next to the telephone:
 - I. The name and telephone number of the emergency coordinator;
 - II. The location of fire extinguishers and spill control material, and, if present, the fire alarm; and
 - III. The telephone number of the fire department, unless the facility has a direct alarm.
 - (III) The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.
 - (IV) The emergency coordinator or his designee must respond to any emergencies that arise. The applicable responses are as follows:
 - I. In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
 - II. In the event of a spill, contain the flow of hazardous waste to the extent possible, and as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil; and
 - III. In the event of a fire, explosion, or other release which could threaten human health outside the facility, or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the Tennessee Emergency Management Agency (using their 24-hour toll-free number 800/262-3300) and/or the National Response Center (using their 24-hour toll-free number 800/424-8802). The report must include the following information:

(Rule 0400-12-01-.03, continued)

- A. Name, address, and installation identification number of the generator;
 - B. Date, time, and type of incident (e.g., spill or fire);
 - C. Quantity and type of hazardous waste involved in the incident;
 - D. Extent of injuries, if any; and
 - E. Estimated quantity and disposition of recovered materials, if any.
7. A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status provided that he complies with the requirements of part 6 of this subparagraph.
8. A small quantity generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if he must transport his waste, or offer his waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of Rule 0400-12-01-.05, 0400-12-01-.06, and 0400-12-01-.07 unless he has been granted an extension to the 180-day (or 270-day if applicable) period. Such extension may be granted by the Department if hazardous waste must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Commissioner on a case-by-case basis.
9. A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month, who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the Hazardous Waste Code F006, may accumulate F006 waste on-site for more than 90 days, but not more than 180 days, without a permit or without having interim status provided that:
- (i) The generator has implemented pollution practices that reduce the amount of any hazardous substances, pollutants or contaminants entering F006 or otherwise released to the environment prior to its recycling;
 - (ii) The F006 waste is legitimately recycled through metals recovery;
 - (iii) No more than 20,000 kilograms of F006 waste is accumulated on-site at any one time; and
 - (iv) The F006 waste is managed in accordance with the following:
 - (I) The F006 waste is placed:

(Rule 0400-12-01-.03, continued)

- I. In containers and the generator complies with the applicable Requirements of paragraphs (9), (27), (28), and (29) of Rule 0400-12-01-.05; and/or
 - II. In tanks and the generator complies with the applicable requirements of paragraphs (10), (27), (28), and (29) of Rule 0400-12-01-.05, except part (10)(h)3 and subparagraph (10)(k) of Rule 0400-12-01-.05; and/or
 - III. In containment buildings and the generator complies with paragraph (30) of Rule 0400-12-01-.05, and has placed its professional engineer certification that the building complies with the design standards specified in subparagraph (30)(b) of Rule 0400-12-01-.05 in the facility's operating record prior to operation of the unit. The owner or operator must maintain the following records at the facility:
 - A. A written description of procedures to ensure that the F006 waste remains in the unit for no more than 180 days, a written description of the waste generation and management practices for the facility showing that they are consistent with the 180-day limit, and documentation that the generator is complying with the procedures; or
 - B. Documentation that the unit is emptied at least once every 180 days.
- (II) In addition, such a generator is exempt from all the requirements in paragraphs (7) and (8) of Rule 0400-12-01-.05, except for subparagraphs (7)(b) and (7)(e) of Rule 0400-12-01-.05.
 - (III) The date upon which each period of accumulation begins is clearly marked and visible for inspection of each container.
 - (IV) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste."
 - (V) The generator complies with the requirements for owners or operators in paragraphs (3) and (4) of Rule 0400-12-01-.05, with subparagraph (2)(g) of Rule 0400-12-01-.05, and with subpart (1)(g)1(v) of Rule 0400-12-01-.10.
- 10. A generator who generates 1,000 kilograms or greater of hazardous waste per calendar month who also generates wastewater treatment sludges from electroplating operations that meet the listing description for the Hazardous Waste Code F006, and who must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more for off-site metals recovery, may accumulate F006 waste on-site for more than 90 days, but not more than 270 days, without a permit or without having interim status if the generator complies with the requirements of subparts (i) through (iv) of part 9 of this subparagraph.
 - 11. A generator accumulating F006 in accordance with parts 9 and 10 of this subparagraph who accumulates F006 waste on-site for more than 180 days (or more than 270 days if the generator must transport this waste, or offer this waste for transportation, over a distance of 200 miles or more), or who accumulates

(Rule 0400-12-01-.03, continued)

more than 20,000 kilograms of F006 waste on-site is an operator of a storage facility and is subject to the requirements of Rules 0400-12-01-.05 and 0400-12-01-.06 and the permit requirements of Rule 0400-12-01-.07 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period or an exception to the 20,000 kilogram accumulation limit. Such extension and exceptions may be granted by the Division if F006 waste must remain on-site for longer than 180 days (or 270 days if applicable) or if more than 20,000 kilograms of F006 waste must remain on-site due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days or an exception to the accumulation limit may be granted at the discretion of the Director of the Division of Solid Waste Management on a case-by-case basis.

12. Notwithstanding the provisions of parts 1, 4, 5, and 6 of this subparagraph, if a generator accumulates wastes in a unit that is otherwise fully subject to applicable requirements of Rules 0400-12-01-.05 and/or 0400-12-01-.06, then he must manage such accumulated wastes fully in accordance with those applicable requirements of Rules 0400-12-01-.05 and/or 0400-12-01-.06.
13. Reserved
14. Reserved
15. Reserved
16. A generator who sends a shipment of hazardous waste to a designated facility with the understanding that the designated facility can accept and manage the waste and later receives that shipment back as a rejected load or residue in accordance with the manifest discrepancy provisions of Rule 0400-12-01-.06(5)(c) or Rule 0400-12-01-.05(5)(c) may accumulate the returned waste on-site in accordance with parts 2 and 3 or 6, 7, and 8 of this subparagraph, depending on the amount of hazardous waste on-site in that calendar month. Upon receipt of the returned shipment, the generator must:
 - (i) Sign Item 18c of the manifest, if the transporter returned the shipment using the original manifest; or
 - (ii) Sign Item 20 of the manifest, if the transporter returned the shipment using a new manifest.

(5) Recordkeeping and Reporting

(a) Recordkeeping [40 CFR 262.40]

1. A generator must keep a copy of each manifest signed in accordance with part (3)(d)1 of this rule for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.
2. A generator must keep a copy of each Annual Report and Exception Report for a period of at least three years from the due date of the report (March 1).
3. A generator must keep records as necessary to demonstrate compliance with subparagraph (1)(b) of this rule - to include any test results, waste analyses, or other determinations made in accordance with that subparagraph - for at least three years from the date that the waste was last sent to on-site or off-site

(Rule 0400-12-01-.03, continued)

hazardous or nonhazardous waste treatment, storage, or disposal facilities. Such records must document the basis for the hazardous waste determination, including those determinations based on the generator's knowledge of materials and processes utilized rather than on laboratory analyses. Pursuant to Rule 0400-12-01-.03(2)(a)2, this requirement does not apply to individual wastewater streams in cases where the hazardous waste determination is made on the conglomerate waste stream.

4. The periods of retention referred to in this subparagraph are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Commissioner or Board.

(b) Annual Reporting [40 CFR 262.41]

1. A generator must submit an Annual Report to the Department by March 1 for the preceding calendar year. Such report must be submitted on forms provided by the Department, and the form must be completed according to the instructions accompanying it. The report must include, but shall not necessarily be limited to, the following information:
 - (i) The year covered by the report.
 - (ii) The name, address, telephone number, and Department-assigned installation identification number of the generator.
 - (iii) For each hazardous waste stream (i.e., each separate waste but not necessarily each batch or shipment of such waste) generated by the generator during the reporting year, except for those wastes identified in part 4 of this subparagraph, the following information:
 - (I) A descriptive name of the waste and the appropriate waste code(s) from Rule 0400-12-01-.02;
 - (II) The methods by which the waste was managed on-site by the generator during the reporting year and the total quantities managed by each method; and
 - (III) For those wastes managed off-site during the reporting year:
 - I. The Installation Identification Number of each treatment, storage, or disposal facility, or the name and address of other places, to which the waste was sent;
 - II. The total quantity of the waste sent to each place and the method(s) by which it was to be managed; and
 - III. The Installation Identification Number(s) of those transporters whose services were used during the reporting year.
 - (iv) A summary of the efforts undertaken during the year to reduce volume and toxicity as required on the Tennessee annual report forms.
 - (v) A summary of the changes in volume and toxicity of waste actually achieved during the year as required on the Tennessee annual report forms.

(Rule 0400-12-01-.03, continued)

- (vi) The certification signed by the generator or authorized representative.
- 2. A generator must also submit the annual report established in part 1 of this subparagraph prior to those events, such as change of ownership or cessation of business, which would make him no longer subject to the annual reporting requirement. In such case, the report would cover the period of time that has elapsed since December 31 of the preceding calendar year.
- 3. Any generator who treats, stores, or disposes of hazardous waste on-site must submit an Annual Report covering those wastes in accordance with the provisions of Rules 0400-12-01-.05, .06, .07 and .09. Reporting for exports of hazardous waste is not required on the Annual Report form. A separate annual report requirement is set forth at subparagraph (6)(g) of this rule.
- 4. A generator shall not be required to annually report on those hazardous wastes generated by analytical laboratory operations which are properly (i.e., in accordance with safe disposal practices and local sewer use ordinances) discharged to the collection sewer system of a publicly-owned treatment works.

(Comment: This exclusion from annual reporting requirements is not intended to encourage the discharge of hazardous waste to a sewer nor does it exclude the laboratory from having to comply with federal, state, or local pretreatment or sewer use requirements.)

(c) Exception Reporting [40 CFR 262.42]

- 1. (i) A generator of 1000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in Rule 0400-12-01-.02(4)(b) or Rule 0400-12-01-.02(4)(d)5 in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.
- (ii) A generator of 1000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in Rule 0400-12-01-.02(4)(b) or Rule 0400-12-01-.02(4)(d)5 of this rule in a calendar month, must submit an Exception Report to the Commissioner if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:
 - (I) A legible copy of the manifest for which the generator does not have confirmation of delivery.
 - (II) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.
- (iii) The Exception Report required by subpart (ii) of this part must be submitted to the Commissioner within 5 days after the 45-day period expires.

(Rule 0400-12-01-.03, continued)

2. A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the Commissioner.

(Note: The submission need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.)

3. For rejected shipments of hazardous waste or container residues contained in non-empty containers that are forwarded to an alternate facility by a designated facility using a new manifest (following the procedure of Rule 0400-12-01-.05(5)(c)5(i) through (vi) or Rule 0400-12-01-.06(5)(c)5(i) through (vi), the generator must comply with the requirements of part 1 or 2 of this subparagraph, as applicable, for the shipment forwarding the material from the designated facility to the alternate facility instead of for the shipment from the generator to the designated facility. For purposes of part 1 or 2 of this subparagraph for a shipment forwarding such waste to an alternate facility by a designated facility:

- (i) The copy of the manifest received by the generator must have the handwritten signature of the owner or operator of the alternate facility in place of the signature of the owner or operator of the designated facility; and
- (ii) The 35/45/60-day time frames begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

- (d) Special Requirements for Generators of Between 100 and 1000 kg/month [40 CFR 262.44]

A generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month is exempt from the requirement under part (a)2 of this paragraph to maintain copies of Exception Reports and the requirements of part (c)1 of this paragraph.

- (e) Additional Reporting [40 CFR 262.43]

The Commissioner, as he deems necessary under T.C.A. §68-212-107 of the Hazardous Waste Management Act, may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in Rule 0400-12-01-.02.

(6) Hazardous Waste Reduction Plan

(a) Applicability

1. Except for generators who are conditionally exempt small quantity generators, as determined by subparagraph (1)(e) of Rule 0400-12-01-.02, and who maintain the exemption for all twelve months of the calendar year, all generators shall complete a hazardous waste reduction plan in accordance with the requirements of subparagraph (b) of this paragraph. After completion of a plan, the generator shall maintain a current copy of the plan at the generating facility. The plan and

(Rule 0400-12-01-.03, continued)

the annual progress reports under subparagraph (c) of this paragraph shall be made available, upon request, to a representative of the department at any reasonable time. The department may make use of the information as it deems necessary to carry out its duties under this rule of the information as it deems necessary to carry out its duties under this rule.

2. For the purposes of this paragraph, a generator shall permit the commissioner to inspect the hazardous waste reduction plan. The generator shall permit any officer, employee or representative of the department at all reasonable times to have access to the plan. The generator shall furnish a copy of the plan upon request to the commissioner.
3. Large and small quantity generators shall have three years from the date they first became a large or small quantity generator, to complete their waste reduction plan. Only large and small quantity hazardous waste generators are required to have a hazardous waste reduction plan.
4. Hazardous waste streams resulting from one-time generation events, such as accidental spills, equipment modification, plant closure, etc., are not subject to the requirements of this paragraph.

(b) Contents of Plan

1. A hazardous waste reduction plan shall include, at a minimum, the following:
 - (i) A dated and signed written policy articulating management support for the generator's hazardous waste reduction plan;
 - (ii) The scope and objectives of the plan, including the evaluation of technologies, procedures and personnel training programs to ensure that unnecessary waste is not generated and to encourage hazardous waste reduction. Specific goals shall be set for hazardous waste reduction, as described in subparagraphs (b) through (d) of the paragraph;
 - (iii) A description of technically and economically practical hazardous waste reduction options to be implemented and planned schedule for implementation. These options shall be based on an internal analysis of hazardous waste streams conducted to review individual processes or facilities and other activities where waste may be generated and identify opportunities to reduce or eliminate waste generation. Such analyses shall evaluate data on the types, amount and hazardous constituents of waste generated, where and why that waste was generated within the production process or other operations, and potential hazardous waste reduction and recycling techniques applicable to those wastes;
 - (iv) A description of the hazardous waste accounting systems that identify waste management costs and factor in liability, compliance and oversight costs to the extent feasible;
 - (v) A description of the employee awareness and training programs designed to involve employees to the maximum extent feasible in hazardous waste reduction planning and implementation; and
 - (vi) A description of how the plan has been or will be incorporated into management practices and procedures so as to ensure an ongoing effort.

(Rule 0400-12-01-.03, continued)

2. As part of each plan developed under this subparagraph, a generator shall establish specific performance goals for the source reduction of each hazardous waste stream.
 3. The specific performance goals established under this subparagraph shall be quantitative goals, expressed in numeric terms. Whenever possible, the units of measurement should be in pounds (or tons) of waste generated per standard unit of production, as defined by the generator. If the establishment of numeric performance goals is not practical, the performance goals shall include a clearly stated list of actions designed to lead to the establishment of numeric goals as soon as practical.
 4. As part of each plan developed under this subparagraph, each generator shall explain the rationale for each performance goal. Acts of God or other unforeseeable events beyond the control of the generator do not have to be considered in setting goals. The rationale for a particular performance goal shall address any impediments to hazardous waste reduction, including, but not limited to, the following:
 - (i) The availability of technically practical hazardous waste reduction methods, including any anticipated changes in the future;
 - (ii) Previously implemented reductions of hazardous waste;
 - (iii) The economic practicability of available hazardous waste reduction methods, including any anticipated changes in the future. Examples of situations where hazardous waste reduction may not be economically practical include, but are not limited to:
 - (I) For valid reasons of prioritization, a particular company has chosen first to address other more serious hazardous waste reduction concerns;
 - (II) Necessary steps to reduce hazardous waste are likely to have significant adverse impacts on product quality; or
 - (III) Legal or contractual obligations interfere with the necessary steps that would lead to hazardous waste reduction.
 5. A generator required to complete a hazardous waste reduction plan under subparagraph (a) of this paragraph may include as a preface to its initial plan:
 - (i) An explanation and documentation regarding hazardous waste reduction efforts completed or in progress before the first reporting date; and
 - (ii) An explanation and documentation regarding impediments to hazardous waste reduction specific to the individual facility.
- (c) Annual Progress Report
1. All generators shall annually review their waste reduction plan and complete a hazardous waste reduction progress report which shall:
 - (i) Analyze and quantify progress made, if any, in hazardous waste reduction, relative to each performance goal established under subparagraph (b) of this paragraph.

(Rule 0400-12-01-.03, continued)

- (ii) Set forth amendments, if needed, to the hazardous waste reduction plan and explain the need for the amendments.
 - 2. Except for the information reported to the department under paragraph (5)(b) of this rule, Annual Reporting, the annual progress report shall be retained at the facility and shall not be considered a public record. However, the generator shall permit any officer, employee or representative of the department at all reasonable times to have access to the annual progress report.
- (d) Review of Plan
- 1. The Commissioner may review a plan or an annual progress report to determine whether the plan or progress report reasonably contains the elements specified under subparagraph (b) of this paragraph. If a generator fails to complete a plan containing these elements or an annual progress report reasonably containing the elements required, the department shall notify the generator of the specific deficiencies. The department also may specify a reasonable time frame, of not more than one hundred and twenty (120) days, within which the generator shall modify the plan or progress report correcting the specified deficiencies.
 - 2. If the Commissioner determines that a plan or progress report has not been modified to address the deficiencies identified, the Commissioner may issue an order for correction to the responsible person, and this order shall be complied with within the time limit specified in the order. Such order shall be served by personal service or shall be sent by certified mail, return receipt requested. Investigations made in accordance with this paragraph may be made on the initiative of the commissioner or board. Prior to the issuance of any order or the execution of any other enforcement action, the commissioner or director may request the presence of the alleged violator of this paragraph at a meeting to show cause why enforcement action ought not to be taken by the department.

(e) Confidentiality

A plan or annual progress report developed pursuant to this paragraph and maintained at the generating facility shall not be considered a public record. Information supplied to the department, as provided by this rule and defined as proprietary by regulation, shall not be revealed to any person without the consent of the person supplying such information. However, the summary information on waste reduction activities submitted to the department may be utilized by the commissioner, the board, the department, the United States Environmental Protection Agency, or any authorized representative of the commissioner or the board in connection with the responsibilities of the department or board pursuant to this paragraph or as necessary to comply with federal law. Copies of the any Form R's provided to the State and Environmental Protection Agency (EPA), can be requested from the Tennessee Emergency Management Agency (TEMA).

(7) Exports of Hazardous Waste [40 CFR 262 Subpart E]

(a) Applicability [40 CFR 262.50]

This paragraph establishes requirements applicable to exports of hazardous waste. Except to the extent subparagraph (i) of this paragraph provides otherwise, a primary exporter of hazardous waste must comply with the special requirements of this paragraph and a transporter transporting hazardous waste for export must comply with applicable requirements of Rule 0400-12-01-.04. Subparagraph (i) of this paragraph

(Rule 0400-12-01-.03, continued)

sets forth the requirements of international agreements between the United States and receiving countries which establish different notice, export, and enforcement procedures for the transportation, treatment, storage and disposal of hazardous waste for shipments between the United States and those countries.

(b) Definitions [40 CFR 262.51]

In addition to the definitions set forth at Rule 0400-12-01-.01(2)(a), the following definitions apply to this paragraph:

“Consignee” means the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent.

“EPA Acknowledgement of Consent” means the cable sent to EPA from the U.S. Embassy in a receiving country that acknowledges the written consent of the receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

“Primary Exporter” means any person who is required to originate the manifest for a shipment of hazardous waste in accordance with paragraph (3) of this rule, which specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

“Receiving country” means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage or disposal (except short-term storage incidental to transportation).

“Transit country” means any foreign country, other than a receiving country, through which a hazardous waste is transported.

(c) General Requirements [40 CFR 262.52]

Exports of hazardous waste are prohibited except in compliance with the applicable requirements of this paragraph and Rule 0400-12-01-.04. Exports of hazardous waste are prohibited unless:

1. Notification in accordance with subparagraph (d) of this paragraph has been provided;
2. The receiving country has consented to accept the hazardous waste;
3. A copy of the EPA Acknowledgment of Consent to the shipment accompanies the hazardous waste shipment and, unless exported by rail, is attached to the manifest (or shipping paper for exports by water (bulk shipment)).
4. The hazardous waste shipment conforms to the terms of the receiving country's written consent as reflected in the EPA Acknowledgment of Consent.

(d) Notification of Intent to Export [40 CFR 262.53]

1. A primary exporter of hazardous waste must notify EPA of an intended export before such waste is scheduled to leave the United States. A complete notification should be submitted sixty (60) days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a twelve (12) month or lesser period. The notification must be in writing, signed by the primary exporter, and include the following information:

(Rule 0400-12-01-.03, continued)

- (i) Name, mailing address, telephone number and EPA ID number of the primary exporter;
- (ii) By consignee, for each hazardous waste type:
 - (I) A description of the hazardous waste and the hazardous waste code (from paragraphs (3) and (4) of Rule 0400-12-01-.02), U.S. DOT proper shipping name, hazard class and ID number (UN/NA) for each hazardous waste as identified in 49 CFR parts 171 through 177;
 - (II) The estimated frequency or rate at which such waste is to be exported and the period of time over which such waste is to be exported.
 - (III) The estimated total quantity of the hazardous waste in units as specified in the instructions to the Uniform Hazardous Waste Manifest Form (8700-22);
 - (IV) All points of entry to and departure from each foreign country through which the hazardous waste will pass;
 - (V) A description of the means by which each shipment of the hazardous waste will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.));
 - (VI) A description of the manner in which the hazardous waste will be treated, stored or disposed of in the receiving country (e.g., land or ocean incineration, other land disposal, ocean dumping, recycling);
 - (VII) The name and site address of the consignee and any alternate consignee; and
 - (VIII) The name of any transit countries through which the hazardous waste will be sent and a description of the approximate length of time the hazardous waste will remain in such country and the nature of its handling while there.
- 2. Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW., Washington, DC 20004. In both cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export."
- 3. Except for changes to the telephone number in subpart 1(i) of this subparagraph, changes to item 1(ii)(V) of this subparagraph and decreases in the quantity indicated pursuant to item 1(ii)(III) of this subparagraph when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous waste specified in the original notification),

(Rule 0400-12-01-.03, continued)

the primary exporter must provide EPA with a written renotification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to item 1(ii)(VIII) of this subparagraph and in the ports of entry to and departure from transit countries pursuant to item 1(ii)(IV) of this subparagraph) has been obtained and the primary exporter receives an EPA Acknowledgment of Consent reflecting the receiving country's consent to the changes.

4. Upon request by EPA, a primary exporter shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.
5. In conjunction with the Department of State, EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of part 1 of this subparagraph. Where a claim of confidentiality is asserted with respect to any notification information required by part 1 of this subparagraph, EPA may find the notification not complete until any such claim is resolved in accordance with Rule 0400-12-01-.01(7).
6. Where the receiving country consents to the receipt of the hazardous waste, EPA will forward an EPA Acknowledgment of Consent to the primary exporter for purposes of part (e)8 of this paragraph. Where the receiving country objects to receipt of the hazardous waste or withdraws a prior consent, EPA will notify the primary exporter in writing. EPA will also notify the primary exporter of any responses from transit countries.

(e) Special Manifest Requirements [40 CFR 262.54]

A primary exporter must comply with the manifest requirements of paragraph (3) of this rule except that:

1. In lieu of the name, site address and EPA ID number of the designated permitted facility, the primary exporter must enter the name and site address of the consignee.
2. In lieu of the name, site address and EPA ID number of a permitted alternate facility, the primary exporter may enter the name and site address of any alternate consignee.
3. In the International Shipments block, the primary exporter must check the export box and enter the point of exit (city and state) from the United States.
4. The following statement must be added to the end of the first sentence of the certification set forth in Item 16 of the Uniform Hazardous Waste Manifest Form: ``and conforms to the terms of the attached EPA Acknowledgment of Consent".
5. The primary exporter may obtain the manifest from any source that is registered with the U. S. EPA as a supplier of manifests (e.g., states, waste handlers, and/or commercial forms printers).
6. The primary exporter must require the consignee to confirm in writing the delivery of the hazardous waste to that facility and to describe any significant discrepancies (as defined in Rule 0400-12-01-.06(5)(c)1) between the manifest and the shipment. A copy of the manifest signed by such facility may be used to confirm delivery of the hazardous waste.

(Rule 0400-12-01-.03, continued)

7. In lieu of the requirements of part (a)4 of paragraph (3) of this rule, where a shipment cannot be delivered for any reason to the designated or alternate consignee, the primary exporter must:
 - (i) Renotify EPA of a change in the conditions of the original notification to allow shipment to a new consignee in accordance with part (d)3 of this paragraph and obtain an EPA Acknowledgment of Consent prior to delivery; or
 - (ii) Instruct the transporter to return the waste to the primary exporter in the United States or designate another facility within the United States; and
 - (iii) Instruct the transporter to revise the manifest in accordance with the primary exporter's instructions.
8. The primary exporter must attach a copy of the EPA Acknowledgment of Consent to the shipment to the manifest which must accompany the hazardous waste shipment. For exports by rail or water (bulk shipment), the primary exporter must provide the transporter with an EPA Acknowledgment of Consent which must accompany the hazardous waste but which need not be attached to the manifest except that for exports by water (bulk shipment) the primary exporter must attach the copy of the EPA Acknowledgment of Consent to the shipping paper.
9. The primary exporter shall provide the transporter with an additional copy of the manifest for delivery to the U.S. Customs official at the point the hazardous waste leaves the United States in accordance with Rule 0400-12-01-.04(3)(a)7(iv).

(f) Exception Reports [40 CFR 262.55]

In lieu of the requirements of subparagraph (5)(c) of this rule, a primary exporter must file an exception report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC, 20460, if any of the following occurs:

1. He has not received a copy of the manifest signed by the transporter stating the date and place of departure from the United States within forty-five (45) days from the date it was accepted by the initial transporter;
2. Within ninety (90) days from the date the waste was accepted by the initial transporter, the primary exporter has not received written confirmation from the consignee that the hazardous waste was received;
3. The waste is returned to the United States.

(g) Annual Reports [40 CFR 262.56]

1. Primary exporters of hazardous waste shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all hazardous waste exported during the previous calendar year. Such reports shall include the following:
 - (i) The EPA ID number, name, and mailing and site address of the exporter;

(Rule 0400-12-01-.03, continued)

- (ii) The calendar year covered by the report;
 - (iii) The name and site address of each consignee;
 - (iv) By consignee, for each hazardous waste exported, a description of the hazardous waste, the hazardous waste code (from paragraph (3) or (4) of Rule 0400-12-01-.02), DOT hazard class, the name and US EPA ID Number (where applicable) for each transporter used, the total amount of waste shipped and number of shipments pursuant to each notification;
 - (v) Except for hazardous waste produced by exporters of greater than 100 kg but less than 1000 kg in a calendar month, unless provided pursuant to subparagraph (5)(b) of this rule, in even numbered years:
 - (I) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and
 - (II) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.
 - (vi) A certification signed by the primary exporter which states:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.
2. Annual reports submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered reports should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW., Washington, DC 20004.
- (h) Recordkeeping [40 CFR 262.57]
1. For all exports a primary exporter must:
- (i) Keep a copy of each notification of intent to export for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
 - (ii) Keep a copy of each EPA Acknowledgment of Consent for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
 - (iii) Keep a copy of each confirmation of delivery of the hazardous waste from the consignee for at least three years from the date the hazardous waste was accepted by the initial transporter; and

(Rule 0400-12-01-.03, continued)

- (iv) Keep a copy of each annual report for a period of at least three years from the due date of the report.
 - 2. The periods of retention referred to in part 1 of this subparagraph are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Commissioner.
 - (i) International Agreements [40 CFR 262.58]
 - 1. Any person who exports or imports wastes that are considered hazardous under U.S. national procedures to or from designated Member countries of the Organization for Economic Cooperation and Development (OECD) as defined in subpart (i) of this part for purposes of recovery is subject to paragraph (9) of this rule. The requirements of this paragraph and paragraph (8) of this rule do not apply to such exports and imports. A waste is considered hazardous under U.S. national procedures if the waste meets the definition of hazardous waste in subparagraph (1)(c) of Rule 0400-12-01-.02 and is subject to either the manifesting requirements at paragraph (3) of this rule, the universal waste management standards of Rule 0400-12-01-.12, or the export requirements in the spent lead-acid battery management standards of part (7)(a)1 of Rule 0400-12-01-.09.
 - (i) For the purpose of paragraph (9) of this rule, the designated OECD Member countries consist of Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland Portugal, the Republic of Korea, the Slovak Republic, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.
 - (ii) For the purpose of paragraph (9) of this rule, Canada and Mexico are considered OECD Member countries only for the purpose of transit.
 - 2. Any person who exports hazardous waste to or imports hazardous waste from: a designated OECD Member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of this paragraph and paragraph (8) of this rule, and is not subject to the requirements of paragraph (9) of this rule.
- (8) Imports of Hazardous Waste [40 CFR 262 Subpart F]
- (a) Imports of Hazardous Waste [40 CFR 262.60]
 - 1. Any person who imports hazardous waste from a foreign country into the United States must comply with the requirements of this part and the special requirements of this subpart.
 - 2. When importing hazardous waste, a person must meet all the requirements of subparagraph (3)(a) of this rule for the manifest except that:
 - (i) In place of the generator's name, address and EPA Identification number, the name and address of the foreign generator and the importer's name, address and EPA Identification Number must be used.

(Rule 0400-12-01-.03, continued)

- (ii) In place of the generator's signature on the certification statement, the U.S. importer or his agent must sign and date the certification and obtain the signature of the initial transporter.
 - 3. A person who imports hazardous waste may obtain the manifest form from any source that is registered with the U. S. EPA as a supplier of manifests (e. g., states, waste handlers, and/or commercial forms printers).
 - 4. In the International Shipments block, the importer must check the import box and enter the point of entry (city and state) into the United States.
 - 5. The importer must provide the transporter with an additional copy of the manifest to be submitted by the receiving facility to U. S. EPA in accordance with Rules 0400-12-01-.05(5)(b)1(iii) and 0400-12-01-.06(5)(b)1(iii).
- (9) Transboundary Movements of Hazardous Waste for Recovery within the OECD [40 CFR 262 Subpart HJ]

(Note: The implementation of this paragraph remains the responsibility of EPA.)

(a) Applicability

- 1. The requirements of this paragraph apply to imports and exports of wastes that are considered hazardous under U.S. national procedures and are destined for recovery operations in the countries listed in subpart (7)(i)1(i) of this rule. A waste is considered hazardous under U.S. national procedures if the waste:
 - (i) Meets the definition of hazardous waste in subparagraph (1)(c) of Rule 0400-12-01-.02; and
 - (ii) Is subject to either the manifesting requirements at paragraph (3) of this rule, the universal waste management standards of Rule 0400-12-01-.12, or the export requirements in the spent lead-acid battery management standards of part (7)(a)1 of Rule 0400-12-01-.09
- 2. Any person (exporter, importer, or recovery facility operator) who mixes two or more wastes (including hazardous and non-hazardous wastes) or otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under RCRA and any exporter duties, if applicable, under this paragraph.

(b) Definitions

The following definitions apply to this paragraph.

"Competent authority" means the regulatory authority or authorities of concerned countries having jurisdiction over transboundary movements of wastes destined for recovery operations.

"Countries concerned" means the OECD Member countries of export or import and any OECD Member countries of transit.

"Country of export" means any designated OECD Member country listed in subpart (7)(i)1(i) of this rule from which a transboundary movement of hazardous wastes is planned to be initiated or is initiated.

(Rule 0400-12-01-.03, continued)

“Country of import” means any designated OECD Member country listed in subpart (7)(i)1(i) of this rule to which a transboundary movement of hazardous wastes is planned or takes place for the purpose of submitting the wastes to recovery operations therein.

“Country of transit” means any designated OECD Member country listed in subparts (7)(i)1(i) and (ii) of this rule other than the country of export or country of import across which a transboundary movement of hazardous wastes is planned or takes place.

“Exporter” means the person under the jurisdiction of the country of export who has, or will have at the time the planned transboundary movement commences, possession or other forms of legal control of the wastes and who proposes transboundary movement of the hazardous wastes for the ultimate purpose of submitting them to recovery operations. When the United States (U.S.) is the country of export, exporter is interpreted to mean a person domiciled in the United States.

“Importer” means the person to whom possession or other form of legal control of the waste is assigned at the time the waste is received in the country of import.

“OECD area” means all land or marine areas under the national jurisdiction of any OECD Member country listed in subparagraph (7)(i) of this rule. When the regulations refer to shipments to or from an OECD Member country, this means OECD area.

“OECD” means the Organization for Economic Cooperation and Development.

“Recognized trader” means a person who, with appropriate authorization of countries concerned, acts in the role of principal to purchase and subsequently sell wastes; this person has legal control of such wastes from time of purchase to time of sale; such a person may act to arrange and facilitate transboundary movements of wastes destined for recovery operations.

“Recovery facility” means a facility which, under applicable domestic law, is operating or is authorized to operate in the country of import to receive wastes and to perform recovery operations on them.

“Recovery operations” means activities leading to resource recovery, recycling, reclamation, direct re-use or alternative uses, which include:

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy.
- R2 Solvent reclamation/regeneration.
- R3 Recycling/reclamation of organic substances which are not used as solvents.
- R4 Recycling/reclamation of metals and metal compounds.
- R5 Recycling/reclamation of other inorganic materials.
- R6 Regeneration of acids or bases.
- R7 Recovery of components used for pollution abatement.
- R8 Recovery of components used from catalysts.
- R9 Used oil re-refining or other reuses of previously used oil.

(Rule 0400-12-01-.03, continued)

- R10 Land treatment resulting in benefit to agriculture or ecological improvement.
- R11 Uses of residual materials obtained from any of the operations numbered R1-R10.
- R12 Exchange of wastes for submission to any of the operations numbered R1-R11.
- R13 Accumulation of material intended for any operation numbered R1-R12.

“Transboundary movement” means any movement of wastes from an area under the national jurisdiction of one OECD Member country to an area under the national jurisdiction of another OECD Member country.

(c) General conditions

1. Scope. The level of control for exports and imports of waste is indicated by assignment of the waste to either a list of wastes subject to the Green control procedures or a list of wastes subject to the Amber control procedures and by the national procedures of the United States, as defined in part (a)1 of this paragraph. The OECD Green and Amber lists are incorporated by reference in (j)4 of this paragraph.
 - (i) Listed wastes subject to the Green control procedures.
 - (I) Green wastes that are not considered hazardous under U.S. national procedures as defined in part (a)1 of this paragraph are subject to existing controls normally applied to commercial transactions.
 - (II) Green wastes that are considered hazardous under U.S. national procedures as defined in part (a)1 of this paragraph are subject to the Amber control procedures set forth in this paragraph.
 - (ii) Listed wastes subject to the Amber control procedures.
 - (I) Amber wastes that are considered hazardous under U.S. national procedures as defined in part (a)1 of this paragraph are subject to the Amber control procedures set forth in this paragraph.
 - (II) Amber wastes that are considered hazardous under U.S. national procedures as defined in part (a)1 of this paragraph, are subject to the Amber control procedures in the United States, even if they are imported to or exported from a designated OECD Member country listed in subpart (7)(i)1(i) of this rule that does not consider the waste to be hazardous. In such an event, the responsibilities of the Amber control procedures shift as provided:
 - I. For U.S. exports, the United States shall issue an acknowledgement of receipt and assume other responsibilities of the competent authority of the country of import.

(Rule 0400-12-01-.03, continued)

- II. For U.S. imports, the U.S. recovery facility/importer and the United States shall assume the obligations associated with the Amber control procedures that normally apply to the exporter and country of export, respectively.
- (III) Amber wastes that are not considered hazardous under U.S. national procedures as defined in part (a)1 of this paragraph, but are considered hazardous by an OECD Member country are subject to the Amber control procedures in the OECD Member country that considers the waste hazardous. All responsibilities of the U.S. importer/exporter shift to the importer/exporter of the OECD Member country that considers the waste hazardous unless the parties make other arrangements through contracts.

(Note: Some wastes subject to the Amber control procedures are not listed or otherwise identified as hazardous under RCRA, and therefore are not subject to the Amber control procedures of this paragraph. Regardless of the status of the waste under RCRA, however, other Federal environmental statutes (e.g., the Toxic Substances Control Act) restrict certain waste imports or exports. Such restrictions continue to apply with regard to this paragraph.)

(iii) Procedures for mixtures of wastes.

- (I) A Green waste that is mixed with one or more other Green wastes such that the resulting mixture is not considered hazardous under U.S. national procedures as defined in part (a)1 of this paragraph shall be subject to the Green control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.

(Note: The regulated community should note that some OECD Member countries may require, by domestic law, that mixtures of different Green wastes be subject to the Amber control procedures.)

- (II) A Green waste that is mixed with one or more Amber wastes, in any amount, de minimis or otherwise, or a mixture of two or more Amber wastes, such that the resulting waste mixture is considered hazardous under U.S. national procedures as defined in part (a)1 of this paragraph are subject to the Amber control procedures, provided the composition of this mixture does not impair its environmentally sound recovery.

(Note: The regulated community should note that some OECD Member countries may require, by domestic law, that a mixture of a Green waste and more than a de minimis amount of an Amber waste or a mixture of two or more Amber wastes be subject to the Amber control procedures.)

(iv) Wastes not yet assigned to an OECD waste list are eligible for transboundary movements, as follows:

- (I) If such wastes are considered hazardous under U.S. national procedures as defined in part (a)1 of this paragraph, such wastes are subject to the Amber control procedures.

(Rule 0400-12-01-.03, continued)

- (II) If such wastes are not considered hazardous under U.S. national procedures as defined in part (a)1 of this paragraph, such wastes are subject to the Green control procedures.
- 2. General conditions applicable to transboundary movements of hazardous waste:
 - (i) The waste must be destined for recovery operations at a facility that, under applicable domestic law, is operating or is authorized to operate in the importing country;
 - (ii) The transboundary movement must be in compliance with applicable international transport agreements; and

(Note: These international agreements include, but are not limited to, the Chicago Convention (1944), ADR (1957), ADN (1970), MARPOL Convention (1973/1978), SOLAS Convention (1974), IMDG Code (1985), COTIF (1985), and RID (1985).)
 - (iii) Any transit of waste through a non-OECD Member country must be conducted in compliance with all applicable international and national laws and regulations.
- 3. Provisions relating to re-export for recovery to a third country:
 - (i) Re-export of wastes subject to the Amber control procedures from the United States, as the country of import, to a third country listed in subpart (7)(i)1(i) of this rule may occur only after an exporter in the United States provides notification to and obtains consent from the competent authorities in the third country, the original country of export, and any transit countries. The notification must comply with the notice and consent procedures in subparagraph (d) of this paragraph for all countries concerned and the original country of export. The competent authorities of the original country of export, as well as the competent authorities of all other countries concerned have thirty (30) days to object to the proposed movement.
 - (I) The thirty (30) day period begins once the competent authorities of both the initial country of export and new country of import issue Acknowledgements of Receipt of the notification.
 - (II) The transboundary movement may commence if no objection has been lodged after the thirty (30) day period has passed or immediately after written consent is received from all relevant OECD importing and transit countries.
 - (ii) In the case of re-export of Amber wastes to a country other than those listed in subpart (7)(i)1(i) of this rule, notification to and consent of the competent authorities of the original OECD Member country of export and any OECD Member countries of transit is required as specified in subpart (i) of this part, in addition to compliance with all international agreements and arrangements to which the first importing OECD Member country is a party and all applicable regulatory requirements for exports from the first country of import.

(Rule 0400-12-01-.03, continued)

4. Duty to return or re-export wastes subject to the Amber control procedures. When a transboundary movement of wastes subject to the Amber control procedures cannot be completed in accordance with the terms of the contract or the consent(s) and alternative arrangements cannot be made to recover the waste in an environmentally sound manner in the country of import, the waste must be returned to the country of export or re-exported to a third country. The provisions of part 3 of this subparagraph apply to any shipments to be re-exported to a third country. The following provisions apply to shipments to be returned to the country of export as appropriate:
 - (i) Return from the United States to the country of export: The U.S. importer must inform EPA at the specified address in item (d)2(i)(I) of this paragraph of the need to return the shipment. EPA will then inform the competent authorities of the countries of export and transit, citing the reason(s) for returning the waste. The U.S. importer must complete the return within ninety (90) days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another timeframe agreed to by the concerned Member countries. If the return shipment will cross any transit country, the return shipment may only occur after EPA provides notification to and obtains consent from the competent authority of the country of transit, and provides a copy of that consent to the U.S. importer.
 - (ii) Return from the country of import to the United States: The U.S. exporter must provide for the return of the hazardous waste shipment within ninety (90) days from the time the country of import informs EPA of the need to return the waste or such other period of time as the concerned Member countries agree. The U.S. exporter must submit an exception report to EPA in accordance with part (h)2 of this paragraph.
5. Duty to return wastes subject to the Amber control procedures from a country of transit. When a transboundary movement of wastes subject to the Amber control procedures does not comply with the requirements of the notification and movement documents or otherwise constitutes illegal shipment, and if alternative arrangements cannot be made to recover these wastes in an environmentally sound manner, the waste must be returned to the country of export. The following provisions apply as appropriate:
 - (i) Return from the United States (as country of transit) to the country of export: The U.S. transporter must inform EPA at the specified address in item (d)2(i)(I) of this paragraph of the need to return the shipment. EPA will then inform the competent authority of the country of export, citing the reason(s) for returning the waste. The U.S. transporter must complete the return within ninety (90) days from the time EPA informs the country of export of the need to return the waste, unless informed in writing by EPA of another timeframe agreed to by the concerned Member countries.
 - (ii) Return from the country of transit to the United States (as country of export): The U.S. exporter must provide for the return of the hazardous waste shipment within ninety (90) days from the time the competent authority of the country of transit informs EPA of the need to return the waste or such other period of time as the concerned Member countries agree. The U.S. exporter must submit an exception report to EPA in accordance with part (h)2 of this paragraph.

(Rule 0400-12-01-.03, continued)

6. Requirements for wastes destined for and received by R12 and R13 facilities. The transboundary movement of wastes destined for R12 and R13 operations must comply with all Amber control procedures for notification and consent as set forth in subparagraph (d) of this paragraph and for the movement document as set forth in subparagraph (e) of this paragraph. Additional responsibilities of R12/R13 facilities include:
 - (i) Indicating in the notification document the foreseen recovery facility or facilities where the subsequent R1-R11 recovery operation takes place or may take place.
 - (ii) Within three (3) days of the receipt of the wastes by the R12/R13 recovery facility or facilities, the facility(ies) shall return a signed copy of the movement document to the exporter and to the competent authorities of the countries of export and import. The facility(ies) shall retain the original of the movement document for three (3) years.
 - (iii) As soon as possible, but no later than thirty (30) days after the completion of the R12/R13 recovery operation and no later than one (1) calendar year following the receipt of the waste, the R12 or R13 facility(ies) shall send a certificate of recovery to the foreign exporter and to the competent authority of the country of export and to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460, by mail, e-mail without digital signature followed by mail, or fax followed by mail.
 - (iv) When an R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located in the country of import, it shall obtain as soon as possible, but no later than one (1) calendar year following delivery of the waste, a certification from the R1-R11 facility that recovery of the wastes at that facility has been completed. The R12/R13 facility must promptly transmit the applicable certification to the competent authorities of the countries of import and export, identifying the transboundary movements to which the certification pertain.
 - (v) When an R12/R13 recovery facility delivers wastes for recovery to an R1-R11 recovery facility located:
 - (I) In the initial country of export, Amber control procedures apply, including a new notification;
 - (II) In a third country other than the initial country of export, Amber control procedures apply, with the additional provision that the competent authority of the initial country of export shall also be notified of the transboundary movement.
7. Laboratory analysis exemption. The transboundary movement of an Amber waste is exempt from the Amber control procedures if it is in certain quantities and destined for laboratory analysis to assess its physical or chemical characteristics, or to determine its suitability for recovery operations. The quantity of such waste shall be determined by the minimum quantity reasonably needed to perform the analysis in each particular case adequately, but in no case exceed twenty-five kilograms (25 kg). Waste destined for laboratory analysis must still be appropriately packaged and labeled.

(Rule 0400-12-01-.03, continued)

(d) Notification and consent.

1. Applicability. Consent must be obtained from the competent authorities of the relevant OECD countries of import and transit prior to exporting hazardous waste destined for recovery operations subject to this paragraph. Hazardous wastes subject to the Amber control procedures are subject to the requirements of part 2 of this subparagraph; and wastes not identified on any list are subject to the requirements of part 3 of this subparagraph.
2. Amber wastes. Exports of hazardous wastes from the United States as described in part (a)1 of this paragraph that are subject to the Amber control procedures are prohibited unless the notification and consent requirements of subpart (i) or (ii) of this part are met.

(i) Transactions requiring specific consent:

- (I) Notification. At least forty-five (45) days prior to commencement of each transboundary movement, the exporter must provide written notification in English of the proposed transboundary movement to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information identified in part 4 of this subparagraph. In cases where wastes having similar physical and chemical characteristics, the same United Nations classification, the same RCRA waste codes, and are to be sent periodically to the same recovery facility by the same exporter, the exporter may submit one general notification of intent to export these wastes in multiple shipments during a period of up to one (1) year. Even when a general notification is used for multiple shipments, each shipment still must be accompanied by its own movement document pursuant to subparagraph (e) of this paragraph.
- (II) Tacit consent. If no objection has been lodged by any countries concerned (i.e., exporting, importing, or transit) to a notification provided pursuant to item (I) of this subpart within thirty (30) days after the date of issuance of the Acknowledgement of Receipt of notification by the competent authority of the country of import, the transboundary movement may commence. Tacit consent expires one (1) calendar year after the close of the thirty (30) day period; renotification and renewal of all consents is required for exports after that date.
- (III) Written consent. If the competent authorities of all the relevant OECD importing and transit countries provide written consent in a period less than thirty (30) days, the transboundary movement may commence immediately after all necessary consents are received. Written consent expires for each relevant OECD importing and transit country one (1) calendar year after the date of that country's consent unless otherwise specified; renotification and renewal of each expired consent is required for exports after that date.

(Rule 0400-12-01-.03, continued)

- (ii) Transboundary movements to facilities pre-approved by the competent authorities of the importing countries to accept specific wastes for recovery:
 - (I) Notification. The exporter must provide EPA a notification that contains all the information identified in part 4 of this subparagraph in English, at least ten (10) days in advance of commencing shipment to a pre-approved facility. The notification must indicate that the recovery facility is pre-approved, and may apply to a single specific shipment or to multiple shipments as described in item (i)(I) of this part. This information must be sent to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, with the words "OECD Export Notification—Pre-approved Facility" prominently displayed on the envelope. General notifications that cover multiple shipments as described in item (i)(I) of this part may cover a period of up to three (3) years. Even when a general notification is used for multiple shipments, each shipment still must be accompanied by its own movement document pursuant to subparagraph (e) of this paragraph.
 - (II) Exports to pre-approved facilities may take place after the elapse of seven (7) working days from the issuance of an Acknowledgement of Receipt of the notification by the competent authority of the country of import unless the exporter has received information indicating that the competent authority of any countries concerned objects to the shipment.
- 3. Wastes not covered in the OECD Green and Amber lists. Wastes destined for recovery operations, that have not been assigned to the OECD Green and Amber lists, incorporated by reference in part (j)4 of this paragraph, but which are considered hazardous under U.S. national procedures as defined in part (a)1 of this paragraph, are subject to the notification and consent requirements established for the Amber control procedures in accordance with part 2 of this subparagraph. Wastes destined for recovery operations, that have not been assigned to the OECD Green and Amber lists incorporated by reference in part (j)4 of this paragraph, and are not considered hazardous under U.S. national procedures as defined by part (a)1 of this paragraph are subject to the Green control procedures.
- 4. Notifications submitted under this section must include the information specified in subparts (i) through (xiv) of this part:
 - (i) Serial number or other accepted identifier of the notification document;
 - (ii) Exporter name and EPA identification number (if applicable), address, telephone, fax numbers, and e-mail address;
 - (iii) Importing recovery facility name, address, telephone, fax numbers, e-mail address, and technologies employed;
 - (iv) Importer name (if not the owner or operator of the recovery facility), address, telephone, fax numbers, and e-mail address; whether the

(Rule 0400-12-01-.03, continued)

importer will engage in waste exchange recovery operation R12 or waste accumulation recovery operation R13 prior to delivering the waste to the final recovery facility and identification of recovery operations to be employed at the final recovery facility;

- (v) Intended transporter(s) and/or their agent(s); address, telephone, fax, and e-mail address;
- (vi) Country of export and relevant competent authority, and point of departure;
- (vii) Countries of transit and relevant competent authorities and points of entry and departure;
- (viii) Country of import and relevant competent authority, and point of entry;
- (ix) Statement of whether the notification is a single notification or a general notification. If general, include period of validity requested;
- (x) Date(s) foreseen for commencement of transboundary movement(s);
- (xi) Means of transport envisaged;
- (xii) Designation of waste type(s) from the appropriate OECD list incorporated by reference in part (j)4 of this paragraph, description(s) of each waste type, estimated total quantity of each, RCRA waste code, and the United Nations number for each waste type;
- (xiii) Specification of the recovery operation(s) as defined in subparagraph (b) of this paragraph.
- (xiv) Certification/Declaration signed by the exporter that states:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, and that any applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement."

Name: _____

Signature: _____

Date: _____

(Note: The United States does not currently require financial assurance for these waste shipments. However, U.S. exporters may be asked by other governments to provide and certify to such assurance as a condition of obtaining consent to a proposed movement.)

5. Certificate of Recovery. As soon as possible, but no later than thirty (30) days after the completion of recovery and no later than one (1) calendar year following receipt of the waste, the U.S. recovery facility shall send a certificate of recovery to the exporter and to the competent authorities of the countries of export and import by mail, e-mail without a digital signature followed by mail, or fax followed by mail. The certificate of recovery shall include a signed, written and dated

(Rule 0400-12-01-.03, continued)

statement that affirms that the waste materials were recovered in the manner agreed to by the parties to the contract required under subparagraph (f) of this paragraph.

(e) Movement document.

1. All U.S. parties subject to the contract provisions of subparagraph (f) of this paragraph must ensure that a movement document meeting the conditions of part 2 of this subparagraph accompanies each transboundary movement of wastes subject to the Amber control procedures from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored and/or sorted by the importer prior to shipment to the final recovery facility, except as provided in subparts (i) and (ii) of this part.

- (i) For shipments of hazardous waste within the United States solely by water (bulk shipments only), the generator must forward the movement document with the manifest to the last water (bulk shipment) transporter to handle the waste in the United States if exported by water, (in accordance with the manifest routing procedures at part (3)(d)3 of this rule.

- (ii) For rail shipments of hazardous waste within the United States which originate at the site of generation, the generator must forward the movement document with the manifest (in accordance with the routing procedures for the manifest in part (3)(d)4 of this rule to the next non-rail transporter, if any, or the last rail transporter to handle the waste in the United States if exported by rail.

2. The movement document must include all information required under subparagraph (d) of this paragraph (for notification), as well as the following subparts (i) through (vii) of this part:

- (i) Date movement commenced;

- (ii) Name (if not exporter), address, telephone, fax numbers, and e-mail of primary exporter;

- (iii) Company name and EPA ID number of all transporters;

- (iv) Identification (license, registered name or registration number) of means of transport, including types of packaging envisaged;

- (v) Any special precautions to be taken by transporter(s);

- (vi) Certification/declaration signed by the exporter that no objection to the shipment has been lodged, as follows:

"I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or shall be in force covering the transboundary movement, and that:

- (I) All necessary consents have been received; OR

(Rule 0400-12-01-.03, continued)

- (II) The shipment is directed to a recovery facility within the OECD area and no objection has been received from any of the countries concerned within the thirty (30) day tacit consent period; OR
- (III) The shipment is directed to a recovery facility pre-approved for that type of waste within the OECD area; such an authorization has not been revoked, and no objection has been received from any of the countries concerned."

(Delete sentences that are not applicable)

Name: _____

Signature: _____

Date: _____

- (vii) Appropriate signatures for each custody transfer (e.g., transporter, importer, and owner or operator of the recovery facility).
3. Exporters also must comply with the special manifest requirements of parts (7)(e)1, 2, 3, 5, and 9 of this rule and importers must comply with the import requirements of paragraph (8) of this rule.
 4. Each U.S. person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the movement document (e.g., transporter, importer, and owner or operator of the recovery facility).
 5. Within three (3) working days of the receipt of imports subject to this paragraph, the owner or operator of the U.S. recovery facility must send signed copies of the movement document to the exporter, to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, and to the competent authorities of the countries of export and transit. If the concerned U.S. recovery facility is a R12/R13 recovery facility as defined under subparagraph (b) of this paragraph, the facility shall retain the original of the movement document for three (3) years.

(f) Contracts.

1. Transboundary movements of hazardous wastes subject to the Amber control procedures are prohibited unless they occur under the terms of a valid written contract, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Such contracts or equivalent arrangements must be executed by the exporter and the owner or operator of the recovery facility, and must specify responsibilities for each. Contracts or equivalent arrangements are valid for the purposes of this subparagraph only if persons assuming obligations under the contracts or equivalent arrangements have appropriate legal status to conduct the operations specified in the contract or equivalent arrangements.
2. Contracts or equivalent arrangements must specify the name and EPA ID number, where available, of subparts (i) through (iv) of this part:

(Rule 0400-12-01-.03, continued)

- (i) The generator of each type of waste;
 - (ii) Each person who will have physical custody of the wastes;
 - (iii) Each person who will have legal control of the wastes; and
 - (iv) The recovery facility.
- 3. Contracts or equivalent arrangements must specify which party to the contract will assume responsibility for alternate management of the wastes if their disposition cannot be carried out as described in the notification of intent to export. In such cases, contracts must specify that:
 - (i) The person having actual possession or physical control over the wastes will immediately inform the exporter and the competent authorities of the countries of export and import and, if the wastes are located in a country of transit, the competent authorities of that country; and
 - (ii) The person specified in the contract will assume responsibility for the adequate management of the wastes in compliance with applicable laws and regulations including, if necessary, arranging the return of wastes and, as the case may be, shall provide the notification for re-export.
- 4. Contracts must specify that the importer will provide the notification required in part (c)3 of this paragraph prior to the re-export of controlled wastes to a third country.
- 5. Contracts or equivalent arrangements must include provisions for financial guarantees, if required by the competent authorities of any countries concerned, in accordance with applicable national or international law requirements.

(Note: Financial guarantees so required are intended to provide for alternate recycling, disposal or other means of sound management of the wastes in cases where arrangements for the shipment and the recovery operations cannot be carried out as foreseen. The United States does not require such financial guarantees at this time; however, some OECD Member countries do. It is the responsibility of the exporter to ascertain and comply with such requirements; in some cases, transporters or importers may refuse to enter into the necessary contracts absent specific references or certifications to financial guarantees.)
- 6. Contracts or equivalent arrangements must contain provisions requiring each contracting party to comply with all applicable requirements of this paragraph.
- 7. Upon request by EPA, U.S. exporters, importers, or recovery facilities must submit to EPA copies of contracts, chain of contracts, or equivalent arrangements (when the movement occurs between parties controlled by the same corporate or legal entity). Information contained in the contracts or equivalent arrangements for which a claim of confidentiality is asserted in accordance with 40 CFR 2.203(b) will be treated as confidential and will be disclosed by EPA only as provided in 40 CFR 260.2.

(Note: Although the United States does not require routine submission of contracts at this time, the OECD Decision allows Member countries to impose such requirements. When other OECD Member countries require submission of partial or complete copies of the contract as a condition to granting consent to

(Rule 0400-12-01-.03, continued)

proposed movements, EPA will request the required information; absent submission of such information, some OECD Member countries may deny consent for the proposed movement.)

(g) Provisions relating to recognized traders.

1. A recognized trader who takes physical custody of a waste and conducts recovery operations (including storage prior to recovery) is acting as the owner or operator of a recovery facility and must be so authorized in accordance with all applicable Federal laws.
2. A recognized trader acting as an exporter or importer for transboundary shipments of waste must comply with all the requirements of this paragraph associated with being an exporter or importer.

(h) Reporting and recordkeeping.

1. Annual reports. For all waste movements subject to this paragraph, persons (e.g., exporters, recognized traders) who meet the definition of primary exporter in subparagraph (7)(b) of this rule or who initiate the movement documentation under subparagraph (e) of this paragraph shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter or the person who initiates the movement document under subparagraph (e) of this paragraph is required to file an annual report for waste exports that are not covered under this paragraph, he may include all export information in one report provided the following information on exports of waste destined for recovery within the designated OECD Member countries is contained in a separate section.) Such reports shall include all of the following subparts (i) through (vi) of this part specified as follows:
 - (i) The EPA identification number, name, and mailing and site address of the exporter filing the report;
 - (ii) The calendar year covered by the report;
 - (iii) The name and site address of each final recovery facility;
 - (iv) By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the EPA hazardous waste number (from paragraphs (3) or (4) of Rule 0400-12-01-.02), designation of waste type(s) and applicable waste code(s) from the appropriate OECD waste list incorporated by reference in part (j)4 of this paragraph, DOT hazard class, the name and U.S. EPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this paragraph, and number of shipments pursuant to each notification;
 - (v) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100kg but less than 1,000kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to subparagraph (5)(b) of this rule:

(Rule 0400-12-01-.03, continued)

- (I) A description of the efforts undertaken during the year to reduce the volume and toxicity of the waste generated; and
 - (II) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and
 - (vi) A certification signed by the person acting as primary exporter or initiator of the movement document under subparagraph (e) of this paragraph that states:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment.”
2. Exception reports. Any person who meets the definition of primary exporter in subparagraph (7)(b) of this rule or who initiates the movement document under subparagraph (e) of this paragraph must file an exception report in lieu of the requirements of subparagraph (5)(c) of this rule (if applicable) with the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460, if any of the following occurs:
- (i) He has not received a copy of the RCRA hazardous waste manifest (if applicable) signed by the transporter identifying the point of departure of the waste from the United States, within forty-five (45) days from the date it was accepted by the initial transporter;
 - (ii) Within ninety (90) days from the date the waste was accepted by the initial transporter, the exporter has not received written confirmation from the recovery facility that the hazardous waste was received;
 - (iii) The waste is returned to the United States.
3. Recordkeeping.
- (i) Persons who meet the definition of primary exporter in subparagraph (7)(b) of this rule or who initiate the movement document under subparagraph (e) of this paragraph shall keep the following records in items (I) through (IV) of this subpart:
 - (I) A copy of each notification of intent to export and all written consents obtained from the competent authorities of countries concerned for a period of at least three (3) years from the date the hazardous waste was accepted by the initial transporter;
 - (II) A copy of each annual report for a period of at least three (3) years from the due date of the report;

(Rule 0400-12-01-.03, continued)

- (III) A copy of any exception reports and a copy of each confirmation of delivery (i.e., movement document) sent by the recovery facility to the exporter for at least three (3) years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable; and
 - (IV) A copy of each certificate of recovery sent by the recovery facility to the exporter for at least three (3) years from the date that the recovery facility completed processing the waste shipment.
 - (ii) The periods of retention referred to in this part are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator.
- (i) Pre-approval for U.S. recovery facilities [Reserved]
- (j) OECD waste lists.
 - 1. General. For the purposes of this paragraph, a waste is considered hazardous under U.S. national procedures, and hence subject to this paragraph, if the waste:
 - (i) Meets the definition of hazardous waste in subparagraph (1)(c) of Rule 0400-12-01-.02; and
 - (ii) Is subject to either the manifesting requirements at paragraph (3) of this rule, the universal waste management standards of Rule 0400-12-01-.12, or the export requirements in the spent lead-acid battery management standards of paragraph (7) of Rule 0400-12-01-.09.
 - 2. If a waste is hazardous under part 1 of this subparagraph, it is subject to the Amber control procedures, regardless of whether it appears in the OECD Amber List, incorporated by reference in part 4 of this subparagraph.
 - 3. The appropriate control procedures for hazardous wastes and hazardous waste mixtures are addressed in subparagraph (c) of this paragraph.
 - 4. The OECD waste lists, as set forth in Annex B ("Green List") and Annex C ("Amber List") (collectively "OECD waste lists") of the 2009 "Guidance Manual for the Implementation of Council Decision C(2001)107/FINAL, as Amended, on the Control of Transboundary Movements of Wastes Destined for Recovery Operations," are incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. This material is incorporated as it exists on the date of the approval and a notice of any change in these materials will be published in the FEDERAL REGISTER. The materials are available for inspection at: the U.S. Environmental Protection Agency, Docket Center Public Reading Room, EPA West, Room 3334, 1301 Constitution Avenue NW., Washington, DC 20004 (Docket # EPA-HQ-RCRA-2005-0018) or at the National Archives and Records Administration (NARA), and may be obtained from the Organization for Economic Cooperation and Development, Environment Directorate, 2 rue André Pascal, F-75775 Paris Cedex 16, France. For information on the availability of this material at NARA, call 202-741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>. To contact the EPA Docket Center Public Reading Room, call (202) 566-1744. To contact the OECD, call +33 (0) 1 45 24 81 67.

(Rule 0400-12-01-.03, continued)

(10) (RESERVED)

(11) (RESERVED)

(12) Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities [40 CFR 262, Subpart K]

(a) Definitions for this paragraph [40 CFR 262.200]

The following definitions apply to this paragraph:

1. "Central accumulation area" means an on-site hazardous waste accumulation area subject to either parts (4)(e)2 and 3 of this rule (large quantity generators); or parts (4)(e)6, 7 and 8 of this rule (small quantity generators). A central accumulation area at an eligible academic entity that chooses to be subject to this paragraph must also comply with subparagraph (l) of this paragraph when accumulating unwanted material and/or hazardous waste.
2. "College/University" means a private or public, post-secondary, degree-granting, academic institution, that is accredited by an accrediting agency listed annually by the U.S. Department of Education.
3. "Eligible academic entity" means a college or university, or a non-profit research institute that is owned by or has a formal written affiliation agreement with a college or university, or a teaching hospital that is owned by or has a formal written affiliation agreement with a college or university.
4. "Formal written affiliation agreement for a non-profit research institute" means a written document that establishes a relationship between institutions for the purposes of research and/or education and is signed by authorized representatives, as defined by Rule 0400-12-01-.01(2)(a), from each institution. A relationship on a project-by-project or grant-by-grant basis is not considered a formal written affiliation agreement. A formal written affiliation agreement for a teaching hospital means a master affiliation agreement and program letter of agreement, as defined by the Accreditation Council for Graduate Medical Education, with an accredited medical program or medical school.
5. "Laboratory" means an area owned by an eligible academic entity where relatively small quantities of chemicals and other substances are used on a non-production basis for teaching or research (or diagnostic purposes at a teaching hospital) and are stored and used in containers that are easily manipulated by one person. Photo laboratories, art studios, and field laboratories are considered laboratories. Areas such as chemical stockrooms and preparatory laboratories that provide a support function to teaching or research laboratories (or diagnostic laboratories at teaching hospitals) are also considered laboratories.
6. "Laboratory clean-out" means an evaluation of the inventory of chemicals and other materials in a laboratory that are no longer needed or that have expired and the subsequent removal of those chemicals or other unwanted materials from the laboratory. A clean-out may occur for several reasons. It may be on a routine basis (e.g., at the end of a semester or academic year) or as a result of a renovation, relocation, or change in laboratory supervisor/occupant. A regularly scheduled removal of unwanted material as required by subparagraph (i) of this paragraph does not qualify as a laboratory clean-out.

(Rule 0400-12-01-.03, continued)

7. "Laboratory worker" means a person who handles chemicals and/or unwanted material in a laboratory and may include, but is not limited to, faculty, staff, post-doctoral fellows, interns, researchers, technicians, supervisors/managers, and principal investigators. A person does not need to be paid or otherwise compensated for his/her work in the laboratory to be considered a laboratory worker. Undergraduate and graduate students in a supervised classroom setting are not laboratory workers.
 8. "Non-profit research institute" means an organization that conducts research as its primary function and files as a non-profit organization under the tax code of 26 U.S.C. 501(c)(3).
 9. "Reactive acutely hazardous unwanted material" means an unwanted material that is one of the acutely hazardous commercial chemical products listed in part (4)(d)5 of Rule 0400-12-01-.02 for reactivity.
 10. "Teaching hospital" means a hospital that trains students to become physicians, nurses or other health or laboratory personnel.
 11. "Trained professional" means a person who has completed the applicable training requirements of subparagraph (2)(g) of Rule 0400-12-01-.05 as required by subpart (4)(e)2(iv) of this rule for large quantity generators, or is knowledgeable about normal operations and emergencies in accordance with subpart (4)(e)6(vii) of this rule for small quantity generators and conditionally exempt small quantity generators. A trained professional may be an employee of the eligible academic entity or may be a contractor or vendor who meets the requisite training requirements.
 12. "Unwanted material" means any chemical, mixtures of chemicals, products of experiments or other material from a laboratory that is no longer needed, wanted or usable in the laboratory and that is destined for hazardous waste determination by a trained professional. Unwanted materials include reactive acutely hazardous unwanted materials and materials that may eventually be determined not to be solid waste pursuant to subparagraph (1)(b) of Rule 0400-12-01-.02, or a hazardous waste pursuant to subparagraph (1)(c) of Rule 0400-12-01-.02. If an eligible academic entity elects to use another equally effective term in lieu of "unwanted material," as allowed by item (g)1(i)(I) of this paragraph, the equally effective term has the same meaning and is subject to the same requirements as "unwanted material" under this paragraph.
 13. "Working container" means a small container (i.e., two gallons or less) that is in use at a laboratory bench, hood, or other work station, to collect unwanted material from a laboratory experiment or procedure.
- (b) Applicability of this paragraph. [40 CFR 262.201]
1. Large quantity generators and small quantity generators.

This paragraph provides alternative requirements to the requirements in subparagraph (1)(b) of this rule and part (4)(e)5 of this rule for the hazardous waste determination and accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to this paragraph, provided that they complete the notification requirements of subparagraph (d) of this paragraph.
 2. Conditionally exempt small quantity generators.

(Rule 0400-12-01-.03, continued)

This paragraph provides alternative requirements to the conditional exemption in part (1)(e)2 of Rule 0400-12-01-.02 for the accumulation of hazardous waste in laboratories owned by eligible academic entities that choose to be subject to this paragraph, provided that they complete the notification requirements subparagraph (d) of this paragraph.

(c) This paragraph is optional. [40 CFR 262.202]

1. Large quantity generators and small quantity generators.

Eligible academic entities have the option of complying with this paragraph with respect to its laboratories, as an alternative to complying with the requirements of subparagraph (1)(b) of this rule and part (4)(e)5 of this rule.

2. Conditionally exempt small quantity generators.

Eligible academic entities have the option of complying with this paragraph with respect to its laboratories, as an alternative to complying with the conditional exemption of part (1)(e)2 of Rule 0400-12-01-.02.

(d) How an eligible academic entity indicates it will be subject to the requirements of this paragraph. [40 CFR 262.203]

1. An eligible academic entity must notify the Department in writing that it is electing to be subject to the requirements of this paragraph for all the laboratories owned by the eligible academic entity under the same Installation Identification Number. An eligible academic entity that is a conditionally exempt small quantity generator and does not have an Installation Identification Number must notify that it is electing to be subject to the requirements of this paragraph for all the laboratories owned by the eligible academic entity that are on-site, as defined in paragraph (2) of Rule 0400-12-01-.01. An eligible academic entity must submit a separate notification (Hazardous Waste Registration and Notification form) for each Installation Identification Number (or site, for conditionally exempt small quantity generators) that is electing to be subject to the requirements of this paragraph, and must submit the Hazardous Waste Registration and Notification form before it begins operating under this paragraph.
2. Such notification must be submitted on Hazardous Waste Registration and Notification forms provided by the Department. The form must be completed according to the instructions accompanying it.
3. An eligible academic entity must keep a copy of the notification on file at the eligible academic entity for as long as its laboratories are subject to this paragraph.
4. A teaching hospital that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the teaching hospital for as long as its laboratories are subject to this paragraph.
5. A non-profit research institute that is not owned by a college or university must keep a copy of its formal written affiliation agreement with a college or university on file at the non-profit research institute for as long as its laboratories are subject to this paragraph.

(Rule 0400-12-01-.03, continued)

- (e) How an eligible academic entity indicates it will withdraw from the requirements of this paragraph. [40 CFR 262.204]

1. An eligible academic entity must notify the Department in writing that it is electing to no longer be subject to the requirements of this paragraph for all the laboratories owned by the eligible academic entity under the same Installation Identification Number and that it will comply with the requirements of subparagraph (1)(b) of this rule and part (4)(e)5 of this rule for small quantity generators and large quantity generators. An eligible academic entity that is a conditionally exempt small quantity generator and does not have an Installation Identification Number must notify that it is withdrawing from the requirements of this paragraph for all the laboratories owned by the eligible academic entity that are on-site and that it will comply with the conditional exemption of part (1)(e)2 of Rule 0400-12-01-.02. An eligible academic entity must submit a separate notification (Hazardous Waste Registration and Notification form) for each Installation Identification Number (or site, for conditionally exempt small quantity generators) that is withdrawing from the requirements of this paragraph and must submit the Hazardous Waste Registration and Notification form before it begins operating under the requirements of subparagraph (1)(b) of this rule and part (4)(e)5 of this rule for small quantity generators and large quantity generators, or part (1)(e)2 of Rule 0400-12-01-.02 for conditionally exempt small quantity generators.
2. Such notification must be submitted on Hazardous Waste Registration and Notification forms provided by the Department. The form must be completed according to the instructions accompanying it.
3. An eligible academic entity must keep a copy of the withdrawal notice on file at the eligible academic entity for three years from the date of the notification.

- (f) Summary of the requirements of this paragraph. [40 CFR 262.205]

An eligible academic entity that chooses to be subject to this paragraph is not required to have interim status or a hazardous waste management permit for the accumulation of unwanted material and hazardous waste in its laboratories, provided the laboratories comply with the provisions of this paragraph and the eligible academic entity has a Laboratory Management Plan (LMP) in accordance with subparagraph (o) of this paragraph that describes how the laboratories owned by the eligible academic entity will comply with the requirements of this paragraph.

- (g) Labeling and management standards for containers of unwanted material in the laboratory. [40 CFR 262.206]

An eligible academic entity must manage containers of unwanted material while in the laboratory in accordance with the requirements in this subparagraph.

1. Labeling: Label unwanted material as follows:
 - (i) The following information must be affixed or attached to the container:
 - (I) The words “unwanted material” or another equally effective term that is to be used consistently by the eligible academic entity and that is identified in Part I of the Laboratory Management Plan; and
 - (II) Sufficient information to alert emergency responders to the contents of the container. Examples of information that would be sufficient to

(Rule 0400-12-01-.03, continued)

alert emergency responders to the contents of the container include, but are not limited to:

- I. The name of the chemical(s); and
 - II. The type or class of chemical, such as organic solvents or halogenated organic solvents.
- (ii) The following information may be affixed or attached to the container, but must at a minimum be associated with the container:
- (I) The date that the unwanted material first began accumulating in the container; and
 - (II) Information sufficient to allow a trained professional to properly identify whether an unwanted material is a solid and hazardous waste and to assign the proper hazardous waste code(s), pursuant to subparagraph (1)(b) of this rule. Examples of information that would allow a trained professional to properly identify whether an unwanted material is a solid or hazardous waste include, but are not limited to:
 - I. The name and/or description of the chemical contents or composition of the unwanted material, or, if known, the product of the chemical reaction;
 - II. Whether the unwanted material has been used or is unused; and
 - III. A description of the manner in which the chemical was produced or processed, if applicable.

2. Management of Containers in the Laboratory:

An eligible academic entity must properly manage containers of unwanted material in the laboratory to assure safe storage of the unwanted material, to prevent leaks, spills, emissions to the air, adverse chemical reactions, and dangerous situations that may result in harm to human health or the environment. Proper container management must include the following:

- (i) Containers are maintained and kept in good condition and damaged containers are replaced, overpacked, or repaired; and
- (ii) Containers are compatible with their contents to avoid reactions between the contents and the container; and are made of, or lined with, material that is compatible with the unwanted material so that the container's integrity is not impaired; and
- (iii) Containers must be kept closed at all times, except:
 - (I) When adding, removing or bulking unwanted material; or
 - (II) A working container may be open until the end of the procedure or work shift, or until it is full, whichever comes first, at which time the working container must either be closed or the contents emptied into a separate container that is then closed; or

(Rule 0400-12-01-.03, continued)

(III) When venting of a container is necessary.

- I. For the proper operation of laboratory equipment, such as with in-line collection of unwanted materials from high performance liquid chromatographs; or
- II. To prevent dangerous situations, such as build-up of extreme pressure.

(h) Training. [40 CFR 262.207]

An eligible academic entity must provide training to all individuals working in a laboratory at the eligible academic entity, as follows:

1. Training for laboratory workers and students must be commensurate with their duties so they understand the requirements in this paragraph and can implement them.
2. An eligible academic entity can provide training for laboratory workers and students in a variety of ways, including, but not limited to:
 - (i) Instruction by the professor or laboratory manager before or during an experiment; or
 - (ii) Formal classroom training; or
 - (iii) Electronic/written training; or
 - (iv) On-the-job training; or
 - (v) Written or oral exams.
3. An eligible academic entity that is a large quantity generator must maintain documentation for the durations specified in part (2)(g)5 of Rule 0400-12-01-.05 as required by subpart (4)(e)2(iv) of this rule demonstrating training for all laboratory workers that is sufficient to determine whether laboratory workers have been trained. Examples of documentation demonstrating training can include, but are not limited to, the following:
 - (i) Sign-in/attendance sheet(s) for training session(s); or
 - (ii) Syllabus for training session; or
 - (iii) Certificate of training completion; or
 - (iv) Test results.
4. A trained professional must:
 - (i) Accompany the transfer of unwanted material and hazardous waste when the unwanted material and hazardous waste is removed from the laboratory; and
 - (ii) Make the hazardous waste determination, pursuant to subparagraph (1)(b) of this rule, for unwanted material.

(Rule 0400-12-01-.03, continued)

- (i) Removing containers of unwanted material from the laboratory. [40 CFR 262.208]
 - 1. Removing containers of unwanted material on a regular schedule. An eligible academic entity must either:
 - (i) Remove all containers of unwanted material from each laboratory on a regular interval, not to exceed six (6) months; or
 - (ii) Remove containers of unwanted material from each laboratory within six (6) months of each container's accumulation start date.
 - 2. The eligible academic entity must specify in Part I of its Laboratory Management Plan whether it will comply with subpart 1(i) or (ii) of this subparagraph for the regular removal of unwanted material from its laboratories.
 - 3. The eligible academic entity must specify in Part II of its Laboratory Management Plan how it will comply with subpart 1(i) or (ii) of this subparagraph and develop a schedule for regular removals of unwanted material from its laboratories.
 - 4. Removing containers of unwanted material when volumes are exceeded.
 - (i) If a laboratory accumulates a total volume of unwanted material (including reactive acutely hazardous unwanted material) in excess of 55 gallons before the regularly scheduled removal, the eligible academic entity must ensure that all containers of unwanted material in the laboratory (including reactive acutely hazardous unwanted material):
 - (I) Are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that 55 gallons is exceeded; and
 - (II) Are removed from the laboratory within ten (10) calendar days of the date that 55 gallons was exceeded, or at the next regularly scheduled removal, whichever comes first.
 - (ii) If a laboratory accumulates more than 1 quart of reactive acutely hazardous unwanted material before the regularly scheduled removal, then the eligible academic entity must ensure that all containers of reactive acutely hazardous unwanted material:
 - (I) Are marked on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) with the date that 1 quart is exceeded; and
 - (II) Are removed from the laboratory within ten (10) calendar days of the date that 1 quart was exceeded, or at the next regularly scheduled removal, whichever comes first.
- (j) Where and when to make the hazardous waste determination and where to send containers of unwanted material upon removal from the laboratory. [40 CFR 262.209]
 - 1. Large quantity generators and small quantity generators—an eligible academic entity must ensure that a trained professional makes a hazardous waste determination, pursuant to subparagraph (1)(b) of this rule, for unwanted material in any of the following areas:

(Rule 0400-12-01-.03, continued)

- (i) In the laboratory before the unwanted material is removed from the laboratory, in accordance with subparagraph (k) of this paragraph;
 - (ii) Within four (4) calendar days of arriving at an on-site central accumulation area, in accordance with subparagraph (l) of this paragraph; and
 - (iii) Within four (4) calendar days of arriving at an on-site interim status or permitted treatment, storage or disposal facility, in accordance with subparagraph (m) of this paragraph.
- 2. Conditionally exempt small quantity generators--an eligible academic entity must ensure that a trained professional makes a hazardous waste determination, pursuant to subparagraph (1)(b) of this rule, for unwanted material in the laboratory before the unwanted material is removed from the laboratory, in accordance with subparagraph (k) of this paragraph.
- (k) Making the hazardous waste determination in the laboratory before the unwanted material is removed from the laboratory. [40 CFR 262.210]

If an eligible academic entity makes the hazardous waste determination, pursuant to subparagraph (1)(b) of this rule, for unwanted material in the laboratory, it must comply with the following:

- 1. A trained professional must make the hazardous waste determination, pursuant to subparagraph (1)(b) of this rule, before the unwanted material is removed from the laboratory.
- 2. If an unwanted material is a hazardous waste, the eligible academic entity must:
 - (i) Write the words "hazardous waste" on the container label that is affixed or attached to the container, before the hazardous waste may be removed from the laboratory; and
 - (ii) Write the appropriate hazardous waste code(s) on the label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste is transported off-site; and
 - (iii) Count the hazardous waste toward the eligible academic entity's generator status, pursuant to parts (1)(e)3 and 4 of Rule 0400-12-01-.02, in the calendar month that the hazardous waste determination was made.
- 3. A trained professional must accompany all hazardous waste that is transferred from the laboratory(ies) to an on-site central accumulation area or on-site interim status or permitted treatment, storage or disposal facility.
- 4. When hazardous waste is removed from the laboratory:
 - (i) Large quantity generators and small quantity generators must ensure it is taken directly from the laboratory(ies) to an on-site central accumulation area, or on-site interim status or permitted treatment, storage or disposal facility, or transported off-site.
 - (ii) Conditionally exempt small quantity generators must ensure it is taken directly from the laboratory(ies) to any of the types of facilities listed in

(Rule 0400-12-01-.03, continued)

subpart (1)(e)6(iii) of Rule 0400-12-01-.02 for acute hazardous waste, or subpart (1)(e)7(iii) of Rule 0400-12-01-.02 for hazardous waste.

5. An unwanted material that is a hazardous waste is subject to all applicable hazardous waste regulations when it is removed from the laboratory.

- (l) Making the hazardous waste determination at an on-site central accumulation area. [40 CFR 262.211]

If an eligible academic entity makes the hazardous waste determination, pursuant to subparagraph (1)(b) of this rule, for unwanted material at an on-site central accumulation area, it must comply with the following:

1. A trained professional must accompany all unwanted material that is transferred from the laboratory(ies) to an on-site central accumulation area; and
 2. All unwanted material removed from the laboratory(ies) must be taken directly from the laboratory(ies) to the on-site central accumulation area; and
 3. The unwanted material becomes subject to the generator accumulation regulations of parts (4)(e)2 and 3 of this rule for large quantity generators or parts (4)(e)6, 7 and 8 of this rule for small quantity generators as soon as it arrives in the central accumulation area, except for the "hazardous waste" labeling requirements of subpart (4)(e)2(iii) of this rule; and
 4. A trained professional must determine, pursuant to subparagraph (1)(b) of this rule, if the unwanted material is a hazardous waste within four (4) calendar days of the unwanted materials' arrival at the on-site central accumulation area; and
 5. If the unwanted material is a hazardous waste, the eligible academic entity must:
 - (i) Write the words "hazardous waste" on the container label that is affixed or attached to the container, within four (4) calendar days of arriving at the on-site central accumulation area and before the hazardous waste may be removed from the on-site central accumulation area; and
 - (I) Complies with Rule 0400-12-01-.05(9)(b), (c), and (d)1; and
 - (II) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
 - (ii) Write the appropriate hazardous waste code(s) on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed of on-site or transported off-site; and
 - (iii) Count the hazardous waste toward the eligible academic entity's generator status, pursuant to parts (1)(e)3 and 4 of Rule 0400-12-01-.02 in the calendar month that the hazardous waste determination was made; and
 - (iv) Manage the hazardous waste according to all applicable hazardous waste regulations.
- (m) Making the hazardous waste determination at an on-site interim status or permitted treatment, storage or disposal facility. [40 CFR 262.212]

(Rule 0400-12-01-.03, continued)

If an eligible academic entity makes the hazardous waste determination, pursuant to subparagraph (1)(b) of this rule, for unwanted material at an on-site interim status or permitted treatment, storage or disposal facility, it must comply with the following:

1. A trained professional must accompany all unwanted material that is transferred from the laboratory(ies) to an on-site interim status or permitted treatment, storage or disposal facility; and
 2. All unwanted material removed from the laboratory(ies) must be taken directly from the laboratory(ies) to the on-site interim status or permitted treatment, storage or disposal facility; and
 3. The unwanted material becomes subject to the terms of the eligible academic entity's hazardous waste permit or interim status as soon as it arrives in the on-site treatment, storage or disposal facility; and
 4. A trained professional must determine, pursuant to subparagraph (1)(b) of this rule, if the unwanted material is a hazardous waste within four (4) calendar days of the unwanted materials' arrival at an on-site interim status or permitted treatment, storage or disposal facility; and
 5. If the unwanted material is a hazardous waste, the eligible academic entity must:
 - (i) Write the words "hazardous waste" on the container label that is affixed or attached to the container (or on the label that is affixed or attached to the container, if that is preferred) within four (4) calendar days of arriving at the on-site interim status or permitted treatment, storage or disposal facility and before the hazardous waste may be removed from the on-site interim status or permitted treatment, storage or disposal facility; and
 - (ii) Write the appropriate hazardous waste code(s) on the container label that is associated with the container (or on the label that is affixed or attached to the container, if that is preferred) before the hazardous waste may be treated or disposed on-site or transported off-site; and
 - (iii) Count the hazardous waste toward the eligible academic entity's generator status, pursuant to parts (1)(e)3 and 4 of Rule 0400-12-01-.02 in the calendar month that the hazardous waste determination was made; and
 - (iv) Manage the hazardous waste according to all applicable hazardous waste regulations.
- (n) Laboratory clean-outs. [40 CFR 262.213]
1. One time per twelve (12) month period for each laboratory, an eligible academic entity may opt to conduct a laboratory clean-out that is subject to all the applicable requirements of this paragraph, except that:
 - (i) If the volume of unwanted material in the laboratory exceeds 55 gallons (or 1 quart of reactive acutely hazardous unwanted material), the eligible academic entity is not required to remove all unwanted materials from the laboratory within ten (10) calendar days of exceeding 55 gallons (or 1 quart of reactive acutely hazardous unwanted material), as required by subparagraph (i) of this paragraph. Instead, the eligible academic entity must remove all unwanted materials from the laboratory within thirty (30) calendar days from the start of the laboratory clean-out; and

(Rule 0400-12-01-.03, continued)

- (ii) For the purposes of on-site accumulation, an eligible academic entity is not required to count a hazardous waste that is an unused commercial chemical product (listed in paragraph (4) of Rule 0400-12-01-.02 or exhibiting one or more characteristics in paragraph (3) of Rule 0400-12-01-.02) generated solely during the laboratory clean-out toward its hazardous waste generator status, pursuant to parts (1)(e)3 and 4 of Rule 0400-12-01-.02. An unwanted material that is generated prior to the beginning of the laboratory clean-out and is still in the laboratory at the time the laboratory clean-out commences must be counted toward hazardous waste generator status, pursuant to parts (1)(e)3 and 4 of Rule 0400-12-01-.02, if it is determined to be hazardous waste; and
 - (iii) For the purposes of off-site management, an eligible academic entity must count all its hazardous waste, regardless of whether the hazardous waste was counted toward generator status under subpart (ii) of this part, and if it generates more than 1 kg/month of acute hazardous waste or more than 100 kg/month of hazardous waste (i.e., the conditionally exempt small quantity generator limits of subparagraph (1)(e) of Rule 0400-12-01-.02), the hazardous waste is subject to all applicable hazardous waste regulations when it is transported off-site; and
 - (iv) An eligible academic entity must document the activities of the laboratory clean-out. The documentation must, at a minimum, identify the laboratory being cleaned out, the date the laboratory clean-out begins and ends, and the volume of hazardous waste generated during the laboratory clean-out. The eligible academic entity must maintain the records for a period of three years from the date the clean-out ends; and
- 2. For all other laboratory clean-outs conducted during the same twelve (12) month period, an eligible academic entity is subject to all the applicable requirements of this paragraph, including, but not limited to:
 - (i) The requirement to remove all unwanted materials from the laboratory within ten (10) calendar days of exceeding 55 gallons (or 1 quart of reactive acutely hazardous unwanted material), as required by subparagraph (i) of this paragraph; and
 - (ii) The requirement to count all hazardous waste, including unused hazardous waste, generated during the laboratory clean-out toward its hazardous waste generator status, pursuant to parts (1)(e)3 and 4 of Rule 0400-12-01-.02.
- (o) Laboratory management plan. [40 CFR 262.214]

An eligible academic entity must develop and retain a written Laboratory Management Plan, or revise an existing written plan. The Laboratory Management Plan is a site-specific document that describes how the eligible academic entity will manage unwanted materials in compliance with this paragraph. An eligible academic entity may write one Laboratory Management Plan for all the laboratories owned by the eligible academic entity that have opted into this paragraph, even if the laboratories are located at sites with different Installation Identification Numbers. The Laboratory Management Plan must contain two parts with a total of nine elements identified in parts 1 and 2 of this subparagraph. In Part I of its Laboratory Management Plan, an eligible academic entity must describe its procedures for each of the elements listed in part 1 of this subparagraph. An eligible academic entity must implement and comply with the

(Rule 0400-12-01-.03, continued)

specific provisions that it develops to address the elements in Part I of the Laboratory Management Plan. In Part II of its Laboratory Management Plan, an eligible academic entity must describe its best management practices for each of the elements listed in part 2 of this subparagraph. The specific actions taken by an eligible academic entity to implement each element in Part II of its Laboratory Management Plan may vary from the procedures described in the eligible academic entity's Laboratory Management Plan, without constituting a violation of this paragraph. An eligible academic entity may include additional elements and best management practices in Part II of its Laboratory Management Plan if it chooses.

1. The eligible academic entity must implement and comply with the specific provisions of Part I of its Laboratory Management Plan. In Part I of its Laboratory Management Plan, an eligible academic entity must:
 - (i) Describe procedures for container labeling in accordance with part (g)1 of this paragraph, as follows:
 - (I) Identifying whether the eligible academic entity will use the term "unwanted material" on the containers in the laboratory (If not, identify an equally effective term that will be used in lieu of "unwanted material" and consistently by the eligible academic entity. The equally effective term, if used, has the same meaning and is subject to the same requirements as "unwanted material.");
 - (II) Identifying the manner in which information that is "associated with the container" will be imparted.
 - (ii) Identify whether the eligible academic entity will comply with subpart (i)1(i) or (i)1(ii) of this paragraph for regularly scheduled removals of unwanted material from the laboratory.
2. In Part II of its Laboratory Management Plan, an eligible academic entity must:
 - (i) Describe its intended best practices for container labeling and management, (see the required standards at subparagraph (g) of this paragraph); and
 - (ii) Describe its intended best practices for providing training for laboratory workers and students commensurate with their duties (see the required standards at part (h)1 of this paragraph); and
 - (iii) Describe its intended best practices for providing training to ensure safe on-site transfers of unwanted material and hazardous waste by trained professionals (see the required standards at subpart (h)4(i) of this paragraph); and
 - (iv) Describe its intended best practices for removing unwanted material from the laboratory, including:
 - (I) For regularly scheduled removals—Develop a regular schedule for identifying and removing unwanted materials from its laboratories (see the required standards at subparts (i)1(i) and (i)1(ii) of this paragraph); and
 - (II) For removals when maximum volumes are exceeded:

(Rule 0400-12-01-.03, continued)

- I. Describe its intended best practices for removing unwanted materials from the laboratory within ten (10) calendar days when unwanted materials have exceeded their maximum volumes (see the required standards at part (i)4 of this paragraph); and
 - II. Describe its intended best practices for communicating that unwanted materials have exceeded their maximum volumes; and
 - (v) Describe its intended best practices for making hazardous waste determinations, including specifying the duties of the individuals involved in the process (see the required standards at subparagraph (1)(b) of this rule and subparagraphs (j) through (m) of this paragraph); and
 - (vi) Describe its intended best practices for laboratory clean-outs, if the eligible academic entity plans to use the incentives for laboratory clean-outs provided in subparagraph (n) of this paragraph, including:
 - (I) Procedures for conducting laboratory clean-outs (see the required standards at subparts (n)1(i) through (iii) of this paragraph); and
 - (II) Procedures for documenting laboratory clean-outs (see the required standards at subpart (n)1(iv) of this paragraph); and
 - (vii) Describe its intended best practices for emergency prevention, including:
 - (I) Procedures for emergency prevention, notification, and response, appropriate to the hazards in the laboratory; and
 - (II) A list of chemicals that the eligible academic entity has, or is likely to have, that become more dangerous when they exceed their expiration date and/or as they degrade; and
 - (III) Procedures to safely dispose of chemicals that become more dangerous when they exceed their expiration date and/or as they degrade; and
 - (IV) Procedures for the timely characterization of unknown chemicals.
 3. An eligible academic entity must make its Laboratory Management Plan available to laboratory workers, students, or any others at the eligible academic entity who request it.
 4. An eligible academic entity must review and revise its Laboratory Management Plan, as needed.
- (p) Unwanted material that is not solid or hazardous waste. [40 CFR 262.215]
1. If an unwanted material does not meet the definition of solid waste in subparagraph (1)(b) of Rule 0400-12-01-.02, it is no longer subject to this paragraph or to the hazardous waste regulations.
 2. If an unwanted material does not meet the definition of hazardous waste in subparagraph (1)(c) of Rule 0400-12-01-.02, it is no longer subject to this

(Rule 0400-12-01-.03, continued)

paragraph or to the hazardous waste regulations, but must be managed in compliance with any other applicable regulations and/or conditions.

- (q) Non-laboratory hazardous waste generated at an eligible academic entity. [40 CFR 262.216]

An eligible academic entity that generates hazardous waste outside of a laboratory is not eligible to manage that hazardous waste under this paragraph; and

1. Remains subject to the generator requirements of subparagraph (1)(b) of this rule and part (4)(e)5 of this rule for large quantity generators and small quantity generators (if the hazardous waste is managed in a satellite accumulation area), and all other applicable generator requirements of Rule 0400-12-01-.03, with respect to that hazardous waste; or
2. Remains subject to the conditional exemption of part (1)(e)2 of Rule 0400-12-01-.02 for conditionally exempt small quantity generators, with respect to that hazardous waste.

(13) Appendix

- (a) Appendix I [Appendix to 40 CFR 262] -- Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions)

U.S. EPA Form 8700-22

Read all instructions before completing this form.

1. This form has been designed for use on a 12-pitch (elite) typewriter which is also compatible with standard computer printers; a firm point pen may also be used—press down hard.
2. Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to complete this form (FORM 8700–22) and, if necessary, the continuation sheet (FORM 8700–22A) for both inter- and intrastate transportation of hazardous waste.

* * * * *

Manifest 8700-22

The following statement must be included with each Uniform Hazardous Waste Manifest, either on the form, in the instructions to the form, or accompanying the form:

Public reporting burden for this collection of information is estimated to average: 30 minutes for generators, 10 minutes for transporters, and 25 minutes for owners or operators of treatment, storage, and disposal facilities. This includes time for reviewing instructions, gathering data, completing, reviewing and transmitting the form. Any correspondence regarding the PRA burden statement for the manifest must be sent to the Director of the Collection Strategies Division in EPA's Office of Information Collection at the following address: U.S. Environmental Protection Agency (2822T), 1200 Pennsylvania Ave., NW., Washington, DC 20460. Do not send the completed form to this address.

(Rule 0400-12-01-.03, continued)

Please print or type. (Form designed for use on elite (12-pitch) typewriter.) Form Approved. OMB No. 2050-0031

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone	4. Manifest Tracking Number			
5. Generator's Name and Mailing Address		Generator's Site Address (if different than mailing address)						
Generator's Phone:								
6. Transporter 1 Company Name				U.S. EPA ID Number				
7. Transporter 2 Company Name				U.S. EPA ID Number				
8. Designated Facility Name and Site Address				U.S. EPA ID Number				
Facility's Phone:								
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))		10. Containers No. Type	11. Total Quantity	12. Unit Wt./Vol.	13. Waste Codes	
	1.							
	2.							
	3.							
	4.							
14. Special Handling Instructions and Additional Information								
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.								
Generator's/Offeror's Printed/Typed Name Signature Month Day Year								
TRANSPORTER	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: Date leaving U.S.:							
	17. Transporter Acknowledgment of Receipt of Materials							
	Transporter 1 Printed/Typed Name Signature Month Day Year							
Transporter 2 Printed/Typed Name Signature Month Day Year								
DESIGNATED FACILITY	18. Discrepancy							
	18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection							
	Manifest Reference Number: U.S. EPA ID Number							
	18b. Alternate Facility (or Generator) Facility's Phone: U.S. EPA ID Number							
	18c. Signature of Alternate Facility (or Generator) Month Day Year							
19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems)								
1.		2.		3.		4.		
20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a								
Printed/Typed Name Signature Month Day Year								

EPA Form 8700-22 (Rev. 3-05) Previous editions are obsolete. DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

(Rule 0400-12-01-.03, continued)

I. Instructions for Generators

Item 1. Generator's U.S. EPA Identification Number

Enter the generator's U.S. EPA twelve digit identification number, or the State generator identification number if the generator site does not have an EPA identification number.

Item 2. Page 1 of –

Enter the total number of pages used to complete this Manifest (i.e., the first page (EPA Form 8700-22) plus the number of Continuation Sheets (EPA Form 8700-22A), if any).

Item 3. Emergency Response Phone Number

Enter a phone number for which emergency response information can be obtained in the event of an incident during transportation. The emergency response phone number must:

1. Be the number of the generator or the number of an agency or organization who is capable of and accepts responsibility for providing detailed information about the shipment;
2. Reach a phone that is monitored 24 hours a day at all times the waste is in transportation (including transportation related storage); and
3. Reach someone who is either knowledgeable of the hazardous waste being shipped and has comprehensive emergency response and spill cleanup/incident mitigation information for the material being shipped or has immediate access to a person who has that knowledge and information about the shipment.

(Note: Emergency Response phone number information should only be entered in Item 3 when there is one phone number that applies to all the waste materials described in Item 9b. If a situation (e.g., consolidated shipments) arises where more than one Emergency Response phone number applies to the various wastes listed on the manifest, the phone numbers associated with each specific material should be entered after its description in Item 9b.)

Item 4. Manifest Tracking Number

This unique tracking number must be pre-printed on the manifest by the forms printer.

Item 5. Generator's Mailing Address, Phone Number and Site Address

Enter the name of the generator, the mailing address to which the completed manifest signed by the designated facility should be mailed, and the generator's telephone number. Note, the telephone number (including area code) should be the normal business number for the generator, or the number where the generator or his authorized agent may be reached to provide instructions in the event the designated and/or alternate (if any) facility rejects some or all of the shipment. Also enter the physical site address from which the shipment originates only if this address is different than the mailing address.

Item 6. Transporter 1 Company Name, and U.S. EPA ID Number

Enter the company name and U.S. EPA ID number of the first transporter who will transport the waste. Vehicle or driver information may not be entered here.

(Rule 0400-12-01-.03, continued)

Item 7. Transporter 2 Company Name and U.S. EPA ID Number

If applicable, enter the company name and U.S. EPA ID number of the second transporter who will transport the waste. Vehicle or driver information may not be entered here. If more than two transporters are needed, use a Continuation Sheet(s) (EPA Form 8700-22A).

Item 8. Designated Facility Name, Site Address, and U.S. EPA ID Number

Enter the company name and site address of the facility designated to receive the waste listed on this manifest. Also enter the facility's phone number and the U.S. EPA twelve digit identification number of the facility.

Item 9. U.S. DOT Description (Including Proper Shipping Name, Hazard Class or Division, Identification Number, and Packing Group)

Item 9a. If the wastes identified in Item 9b consist of both hazardous and nonhazardous materials, then identify the hazardous materials by entering an "X" in this Item next to the corresponding hazardous material identified in Item 9b.

If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

Item 9b. Enter the U.S. DOT Proper Shipping Name, Hazard Class or Division, Identification Number (UN/NA) and Packing Group for each waste as identified in 49 CFR 172. Include technical name(s) and reportable quantity references, if applicable.

(Note: If additional space is needed for waste descriptions, enter these additional descriptions in Item 27 on the Continuation Sheet (EPA Form 8700-22A). Also, if more than one Emergency Response phone number applies to the various wastes described in either Item 9b or Item 27, enter applicable Emergency Response phone numbers immediately following the shipping descriptions for those Items.)

Item 10. Containers (Number and Type)

Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

Table I.--Types of Containers

BA = Burlap, cloth, paper, or plastic bags.
 CF = Fiber or plastic boxes, cartons, cases.
 CM = Metal boxes, cartons, cases (including roll-offs).
 CW = Wooden boxes, cartons, cases.
 CY = Cylinders.
 DF = Fiberboard or plastic drums, barrels, kegs.
 DM = Metal drums, barrels, kegs.
 DT = Dump truck.
 DW = Wooden drums, barrels, kegs.
 HG = Hopper or gondola cars.
 TC = Tank cars.
 TP = Portable tanks.
 TT = Cargo tanks (tank trucks).

(Rule 0400-12-01-.03, continued)

Item 11. Total Quantity

Enter, in designated boxes, the total quantity of waste. Round partial units to the nearest whole unit, and do not enter decimals or fractions. To the extent practical, report quantities using appropriate units of measure that will allow you to report quantities with precision. Waste quantities entered should be based on actual measurements or reasonably accurate estimates of actual quantities shipped. Container capacities are not acceptable as estimates.

Item 12. Units of Measure (Weight/Volume)

Enter, in designated boxes, the appropriate abbreviation from Table II (below) for the unit of measure.

Table II.--Units of Measure

G = Gallons (liquids only).
K = Kilograms.
L = Liters (liquids only).
M = Metric Tons (1000 kilograms).
N = Cubic Meters.
P = Pounds.
T = Tons (2000 pounds).
Y = Cubic Yards.

(Note: Tons, Metric Tons, Cubic Meters, and Cubic Yards should only be reported in connection with very large bulk shipments, such as rail cars, tank trucks, or barges.)

Item 13. Waste Codes

Enter up to six federal and state waste codes to describe each waste stream identified in Item 9b. State waste codes that are not redundant with federal codes must be entered here, in addition to the federal waste codes which are most representative of the properties of the waste.

Item 14. Special Handling Instructions and Additional Information.

1. Generators may enter any special handling or shipment-specific information necessary for the proper management or tracking of the materials under the generator's or other handler's business processes, such as waste profile numbers, container codes, bar codes, or response guide numbers. Generators also may use this space to enter additional descriptive information about their shipped materials, such as chemical names, constituent percentages, physical state, or specific gravity of wastes identified with volume units in Item 12.
2. This space may be used to record limited types of federally required information for which there is no specific space provided on the manifest, including any alternate facility designations; the Manifest Tracking Number of the original manifest for rejected wastes and residues that are re-shipped under a second manifest; and the specification of PCB waste descriptions and PCB out-of-service dates required under 40 CFR 761.207. Generators, however, cannot be required to enter information in this space to meet state regulatory requirements.

Item 15. Generator's/Officer's Certifications

1. The generator must read, sign, and date the waste minimization certification statement. In signing the waste minimization certification statement, those generators who have not been exempted by

(Rule 0400-12-01-.03, continued)

statute or regulation from the duty to make a waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements. The Generator's Certification also contains the required attestation that the shipment has been properly prepared and is in proper condition for transportation (the shipper's certification). The content of the shipper's certification statement is as follows: "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name and are classified, packaged, marked, and labeled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent." When a party other than the generator prepares the shipment for transportation, this party may also sign the shipper's certification statement as the offeror of the shipment.

2. Generator or Offeror personnel may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator/offeror certification, to indicate that the individual signs as the employee or agent of the named principal.

(Note: All of the above information except the handwritten signature required in Item 15 may be pre-printed.)

II. Instructions for International Shipment Block

Item 16. International Shipments

For export shipments, the primary exporter must check the export box, and enter the point of exit (city and state) from the United States. For import shipments, the importer must check the import box and enter the point of entry (city and state) into the United States. For exports, the transporter must sign and date the manifest to indicate the day the shipment left the United States. Transporters of hazardous waste shipments must deliver a copy of the manifest to the U.S. Customs when exporting the waste across U.S. borders.

III. Instructions for Transporters

Item 17. Transporters' Acknowledgments of Receipt

Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt. Only one signature per transportation company is required. Signatures are not required to track the movement of wastes in and out of transfer facilities, unless there is a change of custody between transporters. If applicable, enter the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

(Note: Transporters carrying imports, who are acting as importers, may have responsibilities to enter information in the International Shipments Block. Transporters carrying exports may also have responsibilities to enter information in the International Shipments Block. See above instructions for Item 16.)

IV. Instructions for Owners and Operators of Treatment, Storage, and Disposal Facilities

Item 18. Discrepancy

Item 18a. Discrepancy Indication Space

1. The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any discrepancies between the waste described on the Manifest and the waste

(Rule 0400-12-01-.03, continued)

actually received at the facility. Manifest discrepancies are: significant differences (as defined by §§264.72(b) and 265.72(b)) between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity and type of hazardous waste a facility actually receives, rejected wastes, which may be a full or partial shipment of hazardous waste that the TSDF cannot accept, or container residues, which are residues that exceed the quantity limits for "empty" containers set forth in 40 CFR 261.7(b).

2. For rejected loads and residues (40 CFR 264.72(d), (e), and (f), or 40 CFR 265.72(d), (e), or (f)), check the appropriate box if the shipment is a rejected load (i.e., rejected by the designated and/or alternate facility and is sent to an alternate facility or returned to the generator) or a regulated residue that cannot be removed from a container. Enter the reason for the rejection or the inability to remove the residue and a description of the waste. Also, reference the Manifest Tracking Number for any additional manifests being used to track the rejected waste or residue shipment on the original manifest. Indicate the original Manifest Tracking Number in Item 14, the Special Handling Block and Additional Information Block of the additional manifests.
3. Owners or operators of facilities located in unauthorized States (i.e., states in which the U.S. EPA administers the hazardous waste management program) who cannot resolve significant differences in quantity or type within 15 days of receiving the waste must submit to their Regional Administrator a letter with a copy of the Manifest at issue describing the discrepancy and attempts to reconcile it (40 CFR 264.72(c) and 265.72(c)).
4. Owners or operators of facilities located in authorized States (i.e., those States that have received authorization from the U.S. EPA to administer the hazardous waste management program) should contact their State agency for information on where to report discrepancies involving "significant differences" to state officials.

Item 18b. Alternate Facility (or Generator) for Receipt of Full Load Rejections

Enter the name, address, phone number, and EPA Identification Number of the Alternate Facility which the rejecting TSDF has designated, after consulting with the generator, to receive a fully rejected waste shipment. In the event that a fully rejected shipment is being returned to the generator, the rejecting TSDF may enter the generator's site information in this space. This field is not to be used to forward partially rejected loads or residue waste shipments.

Item 18c. Alternate Facility (or Generator) Signature

The authorized representative of the alternate facility (or the generator in the event of a returned shipment) must sign and date this field of the form to acknowledge receipt of the fully rejected wastes or residues identified by the initial TSDF.

Item 19. Hazardous Waste Report Management Method Codes

Enter the most appropriate Hazardous Waste Report Management Method code for each waste listed in Item 9. The Hazardous Waste Report Management Method code is to be entered by the first treatment, storage, or disposal facility (TSDF) that receives the waste and is the code that best describes the way in which the waste is to be managed when received by the TSDF.

Item 20. Designated Facility Owner or Operator Certification of Receipt (Except As Noted in Item 18a)

Enter the name of the person receiving the waste on behalf of the owner or operator of the facility. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date of receipt or rejection where indicated. Since the Facility Certification acknowledges receipt of the waste except as noted in the Discrepancy Space in Item 18a, the certification should be signed for both waste receipt and waste rejection, with the rejection being noted and described in the space provided in Item 18a. Fully rejected wastes may be forwarded or returned using Item 18b after

(Rule 0400-12-01-.03, continued)

consultation with the generator. Enter the name of the person accepting the waste on behalf of the owner or operator of the alternate facility or the original generator. That person must acknowledge receipt or rejection of the waste described on the Manifest by signing and entering the date they received or rejected the waste in Item 18c. Partially rejected wastes and residues must be re-shipped under a new manifest, to be initiated and signed by the rejecting TSDf as offeror of the shipment.

Manifest Continuation Sheet Instructions – Continuation Sheet, U. S. EPA Form 8700-22A

Read all instructions before completing this form. This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used--press down hard.

This form must be used as a continuation sheet to U.S. EPA Form 8700-22 if:

- More than two transporters are to be used to transport the waste; or
- More space is required for the U.S. DOT descriptions and related information in Item 9 of U.S. EPA Form 8700-22.

Federal regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use the Uniform Hazardous Waste Manifest (EPA Form 8700-22) and, if necessary, this continuation sheet (EPA Form 8700-22A) for both interstate and intrastate transportation.

Please print or type. (Form designed for use on elite (12-pitch) typewriter.)

Form Approved, OMB No. 2050-0035

EPA Form 8700-22A (Rev. 3-05) Previous editions are obsolete.

DESIGNATED FACILITY TO DESTINATION STATE (IF REQUIRED)

(Rule 0400-12-01-.03, continued)

Item 21. Generator's ID Number

Enter the generator's U.S. EPA twelve digit identification number or, the State generator identification number if the generator site does not have an EPA identification number.

Item 22. Page ----

Enter the page number of this Continuation Sheet.

Item 23. Manifest Tracking Number

Enter the Manifest Tracking Number from Item 4 of the Manifest form to which this continuation sheet is attached.

Item 24. Generator's Name--

Enter the generator's name as it appears in Item 5 on the first page of the Manifest.

Item 25. Transporter--Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 3 Company Name. Also enter the U.S. EPA twelve digit identification number of the transporter described in Item 25.

Item 26. Transporter--Company Name

If additional transporters are used to transport the waste described on this Manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word "Transporter" the order of the transporter. For example, Transporter 4 Company Name. Each Continuation Sheet can record the names of two additional transporters. Also enter the U.S. EPA twelve digit identification number of the transporter named in Item 26.

Item 27. U.S. D.O.T. Description Including Proper Shipping Name, Hazardous Class, and ID Number
(UN/NA)

For each row enter a sequential number under Item 27b that corresponds to the order of waste codes from one continuation sheet to the next, to reflect the total number of wastes being shipped. Refer to instructions for Item 9 of the manifest for the information to be entered.

Item 28. Containers (No. And Type)

Refer to the instructions for Item 10 of the manifest for information to be entered.

Item 29. Total Quantity

Refer to the instructions for Item 11 of the manifest form.

Item 30. Units of Measure (Weight/Volume)

Refer to the instructions for Item 12 of the manifest form.

Item 31. Waste Codes

Refer to the instructions for Item 13 of the manifest form.

(Rule 0400-12-01-.03, continued)

Item 32. Special Handling Instructions and Additional Information

Refer to the instructions for Item 14 of the manifest form.

Transporters

Item 33. Transporter--Acknowledgment of Receipt of Materials

Enter the same number of the Transporter as identified in Item 25. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 25. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 34. Transporter--Acknowledgment of Receipt of Materials

Enter the same number of the Transporter as identified in Item 26. Enter also the name of the person accepting the waste on behalf of the Transporter (Company Name) identified in Item 26. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Owner and Operators of Treatment, Storage, or Disposal Facilities

Item 35. Discrepancy Indication Space

Refer to Item 18. This space may be used to more fully describe information on discrepancies identified in Item 18a of the manifest form.

Item 36. Hazardous Waste Report Management Method Codes

For each field here, enter the sequential number that corresponds to the waste materials described under Item 27, and enter the appropriate process code that describes how the materials will be processed when received. If additional continuation sheets are attached, continue numbering the waste materials and process code fields sequentially, and enter on each sheet the process codes corresponding to the waste materials identified on that sheet.

* * * * *

Authority: T.C.A. §§ 68-212-101 et seq. and 4-5-201 et seq. **Administrative History:** Original rule filed June 19, 2012; effective September 17, 2012. Rule was renumbered from 1200-01-11-.03 which was repealed. Amendments filed August 7, 2013; effective November 5, 2013. Amendments filed November 12, 2014; effective February 10, 2015. Amendments filed July 10, 2015; effective October 8, 2015.